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Biography
OF THE
SIGNERS
TO THE
DECLARATION OF INDEPENDENCE

Drawn by T. Underwood
Engd by F. Kearny

PHILADELPHIA

PUBLISHED BY R. W. POMEROY

J. MAXWELL PRINTER.
1824.

BIOGRAPHY

OF THE SIGNERS TO THE

DECLARATION OF INDEPENDENCE.

BY ROBERT WALN, JR.

VOL. VI.

Eastern District of Pennsylvania, to wit:

L. S. BE IT REMEMBERED, That on the first day of January, in the forty-eighth year of the Independence of the United States of America, A. D. 1825, R. W. Pomeroy, of the said district, hath deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"*Biography of the Signers to the Declaration of Independence, by Robert Waln, Jr.—Vol. VI.*"

In conformity to the Act of the Congress of the United States, intituled, "An Act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned."—And also to the Act entitled, An Act supplementary to an Act, entitled, An Act for the encouragement of learning, by securing the copies of Maps, Charts, and Books to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

D. CALDWELL,

Clerk of the Eastern District of Pennsylvania.

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MIDDLETON.

If Arthur Middleton had given no other proof of his enlightened and firm mind, and of his [illegible] his life, his fortune, and the welfare of his family, by prefixing his name to an act, which was fated to produce such glorious results, the American people should feel no slight degree of interest in acquiring [illegible] knowledge of [illegible] of the [illegible] some particulars [illegible] history, in [illegible], and period of the day.

In looking back on the scenes of the revolution, something is every day lost to the view. The curtain has dropped; the actors have disappeared; and little else remains on the mind but the moral denouement of the piece. Those who witnessed the representation, not only beheld the great scheme of the drama going on, but felt their interest warmed and kept up, both by various exhibitions of indivi-

MIDDLETON.

If Arthur Middleton had given no other proof of his enlightened and firm mind, and of his generous spirit, than that of having staked his life, his fortune, and the welfare of his family, by putting his name to an act, which was fated to produce such glorious results, the American people should feel no slight degree of interest in acquiring some knowledge of his private character, some account of the source from which he sprung, and some particulars of the share which he took, in the labours, and peril of the day.

In looking back on the scenes of the revolution, something is every day lost to the view. The curtain has dropped; the actors have disappeared; and little else remains on the mind but the moral denouement of the piece. Those who witnessed the representation, not only beheld the great scheme of the drama going on, but felt their interest warmed and kept up, both by various exhibitions of individual character, and by a knowledge of the parts which those individuals had played on the more confined theatre of provincial politics. It was a matter of course, that no man could be deputed to represent the interests and feelings of the people in the great council of the nation, who had not given early and decided proofs of having participated in those feelings, and of possessing some knowledge of those interests.

At that day a seat in the American congress was not to be obtained by electioneering or intrigue. The appointments were made by the provincial legislatures; the service was one in which much was confided to the discretion of the delegate; and those who made the choice, had too near a view of consequences to put every thing to hazard by inconsiderate selections. It would be unjust to affirm, that there were not many individuals in the several states, who had equal claims to the confidence of their fellow citizens with those who were delegated to represent them in congress, at the commencement of the revolution. But many of the former preferred occupying stations in which their ardent zeal for the public cause was more agreeably exercised by being brought into contact with the enemy, and where their achievements could acquire for them more immediate reputation than could possibly be obtained by those, the results of whose efforts could only be determined by time. The service of some of these men could not be dispensed with in military commands. Those who had served in the provincial regiments were supposed, with reason, to possess more knowledge of the art of war, than such as had never been engaged in military enterprizes. To these were added others who had evinced proofs of a martial spirit, although hitherto untried in the field of danger. Commissions were offered to them; and, under their commands, regiments were more readily formed.

But if impartiality requires the admission, that the delegates to the American congress, at that eventful period, had in some respects their equals; justice no less compels us to assert that they had not their superiors in zeal, and devotion to the public cause; nor were they excelled in reputation for integrity, without which perfect confidence could not be reposed in them.

In the present state of the country, closely united by a national representation, submitted to the operation of the same national law, and, as it were, amalgamated by the various relations arising from these causes, no opinion can be formed of the very dissimilar state of manners, habits of life, and modes of transacting public business, which existed at the commencement of the revolution, in the different

British provinces. Little connexion subsisted between the different sections of the country, however contiguous; the intercourse between the extremes of the continent was limited, and only kept up from motives of curiosity or business. England was the point of universal attraction, and the exertions of industry, as well as the calls of pleasure, terminated there.

In the New England and northern states, great simplicity of manners prevailed; habits of strict economy were inculcated and a knowledge of public matters universally diffused. In the southern and middle states, greater distinctions in society existed; a more aristocratical spirit, and a more refined taste, were diffused through the educated classes, and the people left the administration of political affairs to what were termed the *gentlemen* of the country. These derived most of their ideas, and their modes of thinking, from England. Many of the planters, and men in easy circumstances, had been sent to that country, (then fondly termed *home*,) to cultivate their minds, in early youth; and at a more advanced period, to form their manners by a nearer view of fashionable life. They were, therefore, not ignorant of the greatness and resources of the British Empire, and when they consented to throw off the yoke, could not under-rate the perils of the attempt. If then we are to seek for the cause which produced unanimity in men of such various habits, and which effected a compact so firm, out of materials so loose, it can only be found in the spirit of the English institutions, which had taken deep root in every part of the then British colonies, and which flourished with equal vigour, from one end to the other of the North American continent. The descendants of the men who resisted the arbitrary encroachments of Charles I, displayed no less alacrity than their ancestors in offering prompt and systematic opposition to the unauthorized acts of the British parliament. This spirit of resistance will occasion the less surprise, when we refer to the histories of the several colonies: from the first moment of their civil organization, to the commencement of the revolution, we find constant discussions between the colonial assemblies and the proprietary or royal governors, upon every point in which the rights, or liberties, of the colonists were in the least assailed. To account for this unwillingness to yield to arbitrary power, it must be recollected, that most of the American colonies were established at a time when a knowledge of civil right had made great progress in England, and when the investigation of its doctrines had excited much warmth in the minds of all classes of society. Although the colonies had received, at different times, large accessions of population from various parts of Europe, the English character still predominated, and the anxiety to restrain the strides of arbitrary power, and to ensure certain rights and privileges to the subject, which had characterized that people, and distinguished it from all the other nations of Europe, had not abated by being transplanted to a distant soil. It seems difficult to account for the indifference which the people of Great Britain have uniformly evinced towards the United States, whose growing prosperity and importance might so naturally be supposed to awaken in them a feeling of pride. Surely no happier commentary could be imagined, on the superior excellence of the English constitution, than that which is now presented to the world, in the existence of the American republic. All who are not blinded by inveterate prejudices, must allow, that no other European power could have thrown out a colony, equally capable of erecting itself into an independent nation, and of submitting its happiness and its destinies to the operation of equal laws, emanating from the will of the majority. It must not be forgotten, that in their contests with the proprietary governments, and subsequently, in the great struggle with the British parliament, the colonists never ceased to invoke the genius of English liberty, and to refer their exertions in defence of their rights, to the genuine spirit of British subjects. That spirit which prompted them to resistance, was the spirit that had animated Hampden, Pym, Vane, and a host of English worthies, and which can certainly never be disowned by the virtuous and well informed portion of the British nation.

Although in America we know no distinction of rank, and desire no privileges from the merits of our progenitors, yet it is believed, that there are few individuals, however they may be disposed to ridicule the feeling in others, who would not look with complacency upon a line of virtuous and enlightened ancestors, and who would not feel themselves animated by a double portion of honourable zeal, if they could say that their fathers, for several generations, had been conspicuous for their services in the public cause. In the enjoyment of this feeling, it is certain, that there is no family in America which has the advantage over that of Mr. Middleton. It is of English descent, and a branch of it, with which a constant intercourse has been kept up, is settled in the county of Suffolk in England, where it enjoys the advantages of affluence and of rank. Edward Middleton, the ancestor in a right line, passed over to South Carolina soon after the settlement of that colony, towards the close of the seventeenth century, where he obtained large grants of land, and became an opulent planter.

The son of this gentleman, Arthur Middleton, became an influential man in the colony; and in the contests which, at that early period, occurred between the inhabitants and the proprietary governors, was invariably conspicuous as the friend of the people. In referring to the history of South Carolina, we find, that, in the year 1719, when the dissentions between the colonists and the proprietors had arrived at a great height, the members of the house of commons formed themselves into a convention, and chose Arthur Middleton, Esq. as their president. He was authorized, in the name of the people, to declare to the governor and council, that the authority of the proprietary government should be no longer respected.

In pursuance of this declaration, after some struggle on the part of the governor (Johnson) to maintain his authority, a new governor and other civil officers were chosen, and the legality of their proceedings referred to the king and council of Great Britain. The latter having decided that the proprietors had forfeited their charter, the respective shares were purchased by parliament, and the royal government established in South Carolina. Through the whole of this important transaction, the grand-father of Mr. Middleton bore the most conspicuous part; and retained, through the remainder of his life, great influence in the colony.

His son, Henry Middleton, inherited with his ample fortune, the determined spirit of his father; and, at the commencement of the American troubles, was foremost in exciting the people to resistance. At the meeting of the first convention of the people, in 1774, a resolution was unanimously passed, "that Henry Middleton, John Rutledge, Christopher Gadsden, Thomas Lynch, and Edward Rutledge, Esqrs., should be appointed to meet the deputies from the other colonies, about to convene at Philadelphia." This meeting constituted the first American congress; the one to which this nation owes its political origin. No better evidence can be given of the estimation in which Henry Middleton was held by those patriots, than the honour which they conferred on him at a subsequent session, by electing him to preside over their labours: this duty he fulfilled with equal zeal and ability.

Arthur Middleton, the subject of the present sketch, was born in the year 1743, at Middleton

Place, the seat of his father, Henry Middleton, and situated on the banks of the Ashley. His mother's maiden name was Williams, being the only child of a wealthy and respectable planter of South Carolina. He was the eldest of a family of two sons and five daughters. As was customary among the southern planters who possessed any fortune, he was sent to England at an early age, to receive the instruction which was so well afforded by the public schools of that country. Whilst the connexion subsisted between those who had emigrated to America and those of the same family who continued in the parent country, the children of the former were committed to the affectionate attentions of the latter; and this confidential intercourse was, as may well be conceived, the means best calculated to strengthen the bonds of family attachment. Young Arthur received all the attention which could be desired from his English relations. He was placed, at the age of twelve years, at the well known school of Hackney, in the vicinity of London, whence, at the age of fourteen, he was transferred to that of Westminster. To those who are acquainted with the system of education adopted in the great public schools of England, it is well known, that every facility is afforded to youths of talent, and of aspiring minds, for the acquisition of certain branches of classical knowledge. In no other institutions in the world is there so much attention paid to the cultivation of the mother tongue, and to the Greek and Latin languages, so as to impart a thorough knowledge of their principles, and to inspire a pure taste for their beauties.

The preceptors who preside over these seminaries, are invariably selected on account of the excellence of their characters, and their critical skill in the learned languages; and they enjoy a high standing in the public esteem. The contemporaries of Mr. Middleton, at those schools, who were well qualified to judge of his attainments, agreed in opinion respecting his proficiency in the Greek and Roman classics, to the former of which he applied himself with peculiar success. From his thorough acquaintance with the beauties of the ancient authors, he imbibed a taste which he preserved through life, and which appeared to sooth his mind, under circumstances when he might otherwise have sunk into despondency. Having passed regularly through Westminster school, he was entered between the age of eighteen and nineteen years, in one of the colleges of the University of Cambridge. Durring his residence at that institution, although liberally supplied with money, he did not enter into the dissipation so generally indulged in by the students; but being by nature of a reserved and rather taciturn habit, he more readily escaped the contagion of example, and devoted those hours to meditation and study, which his less thoughtful companions sacrificed to trivial amusements and vicious indulgences. In his conduct during his four years probation, (for such they are for youths, transferred from the rigid regulations of the English schools to the comparative ease of a college life) he evinced the steady adherence to good principles and good taste, for which he was ever afterwards distinguished. He left Cambridge in his twenty-second year with the degree of bachelor of arts, and with the reputation of a profound scholar and a moral man.

As Mr. Middleton was not designed for any of the learned professions, he had leisure to improve himself by travel; and his father's liberality afforded him the means. After visiting many parts of England he passed over to the continent, and expended nearly two years in a tour, principally through the southern parts of Europe.

During this tour, he passed several months at Rome in the most agreeable manner; cultivating his taste by the study of the fine arts, at their ancient and justly renowned seat. This is a department in which excellence is to be attained by those alone who are endowed by nature with exquisite perceptions: the exclusion, therefore, of many who have even received the benefit of a liberal education, must enhance the value of the gift to those, who, like Mr. Middleton, possess the means of improving it. To the charms of literature and poetry especially, he was ever exquisitely alive; in music and painting he had attained no ordinary proficiency, in practice, as well as theory: and in the technicalities of sculpture and architecture, their sister arts, he was well versed.

Mr. Middleton, after an extensive tour through Europe, returned to South Carolina, and soon after was united in marriage to Miss Izard, daughter of Walter Izard, Esq.

He soon determined to gratify Mrs. Middleton with a visit to Europe, and with this view embarked with her about a year after their marriage. After residing some time in England, they proceeded to the continent, and visited in their tour some of the principal cities of France and Spain. In the year 1773, Mr. Middleton returned home, and took up his residence at the family seat, a beautiful spot, on the banks of the Ashley, which his father, on this occasion, relinquished to him. In the succeeding year commenced that struggle between Great Britain and her North American colonies, which developed the energies of the American people, put to the test their patriotism, their talents, and their courage, and, in some measure, assigned to individuals their relative rank in public estimation. Arthur Middleton and his father—who already stood high in the public estimation—did not hesitate to stand forth in defence of the rights of American citizens. And here it may not be improper or invidious to remark, that these gentlemen, together with some others in South Carolina, were at that time in a situation which places their decision of conduct in a point of view peculiarly meritorious, and which ought particularly to endear their memories to a grateful posterity. Many of the actors in those early scenes, were men who, to whatever merit they may have been entitled, appeared on the stage for the first time. They were aware that, should their efforts be crowned with success, a lasting fame and extensive influence in the community, would be their reward, with the consequent advantages of office and emolument. This remark is not intended to disparage any of the worthies of the revolution. But the Middletons had not these inducements to active exertion. Members of a family, which, since the foundation of the colony, had always stood high in the public favour, enjoying personal consideration of the most flattering kind; and possessed of wealth which might be materially impaired, but could not be increased, by the vicissitudes of civil wars—had they not been men of high and disinterested characters, the course they would have pursued is obvious. The usual motives which govern men would have preponderated on the side of arbitrary sway; they would (as did many others, in similar circumstances, throughout the continent), either have used all their influence to produce a passive submission to the acts of the British parliament, or have adopted a temporising line of conduct, in the hope of seeing the storm speedily dissipated. But inheriting a spirit, which it appears was natural to their family, they exerted themselves, from the first encroachment on their rights, in a manner which could leave no doubt on the minds of their countrymen as to the sincerity of their views.

Reverting more particularly to the public services of Mr. Middleton, it appears, from the documents which have been preserved relative to the progress of the revolution in South Carolina, that the operations of the opposition were carried on by means of various committees, appointed by the provincial congress, in the face of the royal government, under the different denominations of secret committees, special committees, councils of safety, &c.

which were composed of gentlemen, in whose discretion and firmness the provincial assembly reposed unlimited confidence, and whose powers were only defined by the injunction, *cavere nequid Republica detrimenti caperet.* By a reference to the record of these revolutionary proceedings, we find, that on the seventeenth of April, 1775, Arthur Middleton was appointed one of a secret committee, consisting of five persons, who were authorized to take measures for placing the colony in a posture of defence.* These were the persons who determined on having recourse to force; and under their direction, the public magazine of arms and ammunition in the custody of the royal store keeper, was taken possession of, and the contents removed, and soon after appropriated to the defence of the country.

On the fourteenth of June the provincial congress of South Carolina chose by ballot, thirteen persons, who were denominated a council of safety to watch over the public interests, and to take such measures as they should judge most proper to promote the same in that eventful crisis. Of this number was Arthur Middleton; and it is well ascertained, that to his activity may be attributed much of what was effected by that body. Under its direction a military force was organized, adequate to the temporary defence of the province; the commissions of the officers were certified by the joint signatures of its members, and other acts appertaining to sovereign authority were exercised by them.

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* The names of the other gentlemen, were Charles Cotesworth Pinckney, William Henry Drayton, William Gibbes, and Edward Weyman.

The members of the council were, in general, well selected, especially when we consider that very little trial had been made of their real characters, and that, in revolutionary times, many individuals are urged forward even by their timidity, to show for the new order of things a preference which they are far from feeling. Such men usually indulge the hope of keeping open the door of accommodation, and therefore avoid, as much as possible, giving their participation to measures which are deemed offensive. That there were some of this discription in the council of safety, is very certain; and that Mr. Middleton, and others, who saw the propriety of adopting vigorous and decided measures, were embarrassed and thwarted by their opposition, is a fact equally well established. One instance may be adduced in which his advice, if followed, would probably have been attended with favourable results.

Lord William Campbell, brother to the duke of Argyle, was, in the year 1775, appointed governor of South Carolina, for the crown, and arrived in Charleston during the sitting of the provincial congress, as the first legislative assembly, under the new order of things, was denominated. On being addressed by this body, in a bold, but temperate manner, on the subject of their grievances, he refused to recognize, or hold any communication with them. This assembly soon after adjourned, with a view to a new election of members, but first appointed, by ballot, a general committee, who were clothed in the interim with superintending powers. Although the royal governor had refused to acknowledge the provincial congress as a political body, yet his answer to their address was dispassionate; and so far from justifying the acts of the British parliament, he declined passing any opinion upon the merits of the dispute. His subsequent conduct by no means evinced hostile feelings towards those who had usurped so large a share of the British prerogative. It became an object with the committee to ascertain how far this apparent indifference was sincere. It was suspected that the governor had written to England for the aid of a military force, and that he held a secret intercourse with the adherents of the royal government, who were afterwards designated by the appellation of tories. To obtain a knowledge of his real sentiments and views, the committee had recourse to a stratagem. They contrived to have one of their number, (captain Adam M'Donald,) introduced to the governor in the character of a tory just arrived from the upper country, on a special errand from his partizans.

The governor fell, without suspicion, into the snare, and communicated his plans to M'Donald: he informed him that he expected troops from England, expressed a wish that no movement should be made by the friends of the royal government, until their arrival, and indulged in severe invectives against what he termed the *new fangled* authorities of the day. A report of this conversation was made to the general committee, of which Mr. Middleton was a member. Lord William Campbell had married a near relation of Mrs. Middleton, and the families were on good terms; but this did not prevent Mr. Middleton from making a motion "that the governor should be immediately taken into custody." The adoption of so bold and decisive a measure, did not meet the approbation of the majority of the committee; some members of it, who at that time possessed the public confidence, took the alarm, and the proposal was negatived. This attempt to inspire a vigorous course of conduct in the committee, although by the over cautious it was probably represented as rash, nevertheless did honor to the sagacity, as well as the manly spirit, of the mover. The royal governor, who, it appears, wanted only the means, and not the inclination, to take an active part in the contest, soon afterwards retired on board of a British sloop of war. Being of course desirous to be restored to his government, and to the enjoyment of a large property acquired by his marriage, he used all his exertions to have the British arms directed against South Carolina. In this he was successful; for he returned in a few months, with a formidable force, under sir Henry Clinton, and sir Peter Parker. The result of the blunder committed by these commanders, in attacking Fort Moultrie, instead of landing and investing Charleston, is well known; but the fault cannot be imputed to lord William Campbell, who behaved besides with great bravery in the action, and was severely wounded on board of the Experiment, a fifty-gun ship.

On the eleventh of February, 1776, the provincial congress of South Carolina chose a committee of eleven members to prepare and report a constitution, or "form of government which should best produce the happiness of the people, and should most effectually secure peace and good order in the colony, during the continuance of the dispute with Great Britain." Mr. Middleton was a member of this committee; and an instrument was framed and adopted, which, however, was only temporary.

Shortly after this, he was elected, by the assembly, one of the representatives of South Carolina in the congress of the United States, then convened at Philadelphia. In this capacity he inscribed his name on the Declaration of Independence. The particular share that he took in promoting the adoption of this important measure, is not, perhaps, known at this distance of time, but that it had his most strenuous support, is beyond a doubt. He had, at that period, contracted a close intimacy with Mr. Hancock, the president of congress, and, having their families with them, they had a joint establishment. This domestic arrangement accorded perfectly with the taste of both parties, for being men of a liberal and hospitable disposition, their house was the resort of a great deal of company; the members from the two extremities of the union were constantly assembled at their table. This social intercourse must unquestionably have been attended with beneficial effects on the subjects immediately under discussion, as well as in assuaging a jealousy which might have existed between men, whose habits of life, and opinions on many points, were not a little dissimilar. It suffices to say, that the friendship of these two warm patriots continued uninterrupted during the remainder of their lives.

Mr. Middleton continued at Philadelphia, attending to the duties of his station, until the close of the year 1777, and although he was not a very active debater, no measure received the support of the South Carolina delegation without his concurrence;—the gentlemen composing it having the highest opinion of his judgment and abilities. As the vote in congress was, on important questions, taken by states, the subject was, of course, discussed among the members of the several delegations, and something like unanimity generally obtained.

At the beginning of 1778, we find him in South Carolina receiving the greatest proof which his fellow citizens could bestow, of their confidence in his talents and fidelity. The assembly of South Carolina, which acted under the authority of the constitution of 1776, conceiving that it had the power so to do, enacted a new constitution, differing in many essential points from the first, and presented it in May, 1778, to John Rutledge, who was governor, for his approbation. That gentleman, by virtue of the power with which he was invested, refused his assent to it, and gave his reasons at large for this use of his negative. These reasons were founded principally upon what he conceived to be the illegality, as well as the futility, of the procedure. As, however, there was a large majority in favour of the adoption, he closed his address with resigning his authority into their hands, that he might not embarrass their measures. The assembly having accepted his resignation, were next called upon to fill the vacant chair. Affairs, at this time, had assumed a gloomy aspect in America, and where offices of any responsibility were in question, intrigue and private interest were of little avail towards advancing the pretensions of any man. A secret ballot was to decide on the merits of the individual who merited the highest confidence of the people, as regarded integrity, firmness, and capacity; qualifications so essential to the arduous task of guiding their destinies through the unequal and perilous contest in which they were engaged. On counting the votes, a considerable majority pronounced Mr. Middleton to be that individual. So different was the mode of transacting business of this nature at that day, from what it has since been;—so little progress had been made in the arts of caucussing, recommending, addressing, &c., which now form the bases of most elections;—that the gentleman thus elected was not aware of the honour intended him; and when the result of the ballot was announced, he declined an acceptance of the office. The inducements to a contrary course were great;—the situation was conspicuous; and the power to be given to the executive by the new constitution, was extensive. Mr. Middleton could neither be diffident of his own talents, nor fearful of the responsibility of the post: he had embarked every thing in the revolution, and his subsequent conduct evinced, that he intended to brave all its results. He was not devoid of ambition, but his was the ambition of a lofty mind;—that of rendering valuable services, when perfectly compatible with his conscientious feelings. In this case he was restrained by those feelings. He coincided in opinion with the late incumbent; and declared, that if he assumed the executive station, he could not conscientiously give his assent to the new constitution. Full faith was given to his assurances; and his non-acceptance, instead of detracting from the esteem of his fellow citizens, was viewed in its proper light, and served to endear him still more to them. Mr. Rawlins Lowndes, who was at that time a popular character, not having the same objections to the constitution, was elected in his stead, and sanctioned the new form of government on the nineteenth March, 1778.

We are not informed whether Mr. Middleton served in any public capacity during the year following his refusal of the executive office. In April, 1779, the British having assembled a force at Savannah, under general Prevost, with the evident intention of making an attempt on Charleston, and having gained some advantage over the American force stationed on the bank of the Savannah river, by surprising general Ashe at Briar creek, it appears that the alarm became general. To use the words of Ramsay, "In this time of general alarm, John Rutledge, Esq., by the almost unanimous voice of his countrymen, was called to the chair of government. To him and to his council, was delegated by the legislature, power to do every thing that appeared to him and to them, necessary for the public good." Governor Rutledge immediately proceeded, with his wonted energy, to take measures for the defence of the state, and ordered out troops from different parts of the country to the rendezvous at Orangeburgh, where he took the command in person. General Prevost having made a forced march, with a view to surprise Charleston, which was then without a garrison, and with very insufficient works, the governor threw himself, with his militia, into the place. Mr. Middleton attended him as one of his family, and was personally exposed in a partial attack which was made in front of the works. On this occasion, he displayed his characteristic intrepidity. General Prevost, not deeming it prudent to attempt the reduction of Charleston by an assault, and having an army in full march in his rear, retired to a strong position on James Island, and by crossing over from one island to another, effected his retreat with an immense booty, consisting chiefly of slaves, who joined his standard, and lent their aid in the indiscriminate plunder of whatever could be transported. From this expedition, which threw no additional lustre on the British arms, much private emolument resulted to the officers, who not only participated in the plunder, but tolerated the most wanton destruction on the part of the soldiers. This entrance of the enemy into South Carolina put the patriotism of many of the inhabitants to a painful test. Such of them as resided on or near the route of the British army, were called upon to repair to the standard of their country, and to leave their families and property to the mercy of the invader. Some, as might be expected, were more intent on removing their families and effects from the grasp of the enemy, than in aiding to annoy him; but there were many instances of astonishing devotion to the public cause. Mr. Middleton's country seat, together with his plantations in the vicinity, were exposed to the depredations of the army; being immediately on the great Southern road; but he took no measures to save his property and did not even go near it. He merely sent Mrs. Middleton a direction to remove, with the family, to the house of a friend, a day's journey to the north of Charleston. He, of course, suffered immensely: the buildings at Middleton Place were spared, but every thing was rifled. Of a valuable collection of paintings, some of which were too large for removal, many were wantonly mutilated. The officers and soldiers of the British army in North America, exhibited much of the spirit ascribed by a celebrated English traveller to the Russians, as exemplified in the occupation of the Crimea: whatever could not be converted to lucrative purposes was demolished or defaced.

On the investment of Charleston, in the following year, by the force under sir Henry Clinton and vice admiral Arburthnot, Mr. Middleton was found amongst its defenders. Although not holding a military command, and having the option of avoiding personal exposure, or partaking it with many gentlemen whom duty detained within the lines, he preferred subjecting himself to the chances of war. In consequence of this determination he became a prisoner, together with a very large portion of the most active and zealous men, who, until that moment, had swayed the politics of South Carolina.

The privilege of going at large on parole, was extended to him, and he enjoyed it until the month of November, 1780, when he was suddenly arrested, with some others, who were esteemed dangerous characters in what was then regarded as a conquered province. They were then sent by sea to St. Augustine, in East Florida, where Mr. Middleton and his fellow prisoners, although not placed in close confinement, were subjected to mortifying and humiliating restraints, by the petty tyranny of the officer commanding that garrison. Very far from having his spirit subdued by this gloomy and trying reverse, it was known to his companions in misfortune, that he had resolved to endure all the evils which it was in the power of a resentful foe to inflict, rather than follow the example of too many of his countrymen, by claiming the "protection" of the British government. On the contrary, nothing appeared to give him so much pain as the accounts, which were sedulously communicated, of some individuals who had been hitherto regarded as firm friends to liberty, having consented to exchange their situation as prisoners of war, for that of British subjects. In the month of July, 1781, the American prisoners at St. Augustine were included in a general exchange, and immediately sent, in cartels, to Philadelphia. Shortly after his arrival there, governor Rutledge, acting in pursuance of the general powers delegated to him by the legislature of South Carolina, appointed Mr. Middleton a representative in congress.

In the autumn of 1781, the capture of lord Cornwallis was effected. This officer, after the surrender of Charleston, had been left by sir Henry Clinton in command of the British force occupying the state of South Carolina, and invested with all the powers of a conqueror. In the exercise of these unlimited powers, with a view to produce complete submission, and to break the spirit of the inhabitants, recourse was had to measures not only of a rigorous, but of a sanguinary nature. And here, perhaps, it may not be irrelative to remark, how great a change civil warfare operates in the natural dispositions of men, and with how little moderation the advantages obtained in such contests are generally used. The conduct of lord Cornwallis, and of one who commanded under him, lord Rawdon, (subsequently earl of Moira, and marquis of Hastings,) has justly doomed their names to abhorrence among the inhabitants of South Carolina, from the oppression and barbarity which were then exercised by their orders, and under their immediate inspection. And yet the same individuals have established in Great Britain, a high reputation for gentleness and humanity, of which they have through the course of long lives, afforded their fellow subjects ample proofs—Mr. Middleton had witnessed the distresses occasioned by the oppressive measures of lord Cornwallis, and his soul had revolted at the horrors which he beheld around him. Actuated by these feelings, after lord Cornwallis's surrender, he submitted to congress a motion to the following effect: "that lord Cornwallis should be regarded in the light of a barbarian, who had violated all the rules of modern warfare, and had been guilty of innumerable acts of wanton cruelty and oppression; and further, that he, the said lord Cornwallis, should not be comprehended in any exchange of prisoners which should take place between the British government and that of the United States."

This resolution, from considerations of a peculiar nature, was not adopted, but the motive which suggested it was duly appreciated. What strongly marks the preponderance of patriotic, over individual feelings, in the mover of this energetic measure, is the circumstance, that at the moment of its proposal, his wife and children were in the power of the enemy: the order which had removed many other families beyond the limits of the state, not having been put in force against them. Mr. Middleton's estate was also under sequestration; and the subsistence of his family measured out to them, at the will of a British commissioner.

The general assembly, convened at Jacksonborough in January, 1782, after a lapse of two years, elected Mr. Middleton one of the delegates of the state to congress. He continued in the discharge of his duty, in that capacity, until the month of November, of the same year, when he obtained leave to return to South Carolina, to visit his family, from which he had been long separated, under the most trying circumstances.

This legislature gave a further proof of its sense of his claims on public feeling. The assembly convened at Jacksonborough, represented that portion of the population of South Carolina which had passed with unspotted fidelity the ordeal of British persecution, and which now held the rod over the heads of those citizens who had sacrificed to personal interest, their duty to their country, and to the cause of liberty, by devoting themselves, heart and hand, to the royalist party;—as well as of those who, without taking an efficient part in the contest, evinced their adherence to that party, no less unequivocally, by hailing its temporary triumph. Seldom have civil commotions afforded the victorious party an ampler justification for resorting to retributive measures against their opponents, than did the success of the revolution in South Carolina. We have barely hinted, in the course of this sketch, at the wanton devastation committed by the royal arms, in many instances, on the estates of the patriotic whigs, and the accumulated acts of injustice and cruelty which had been heaped upon their persons. To the honour of the assembly, however, it is recorded, that they used their power with exemplary moderation. In order to obtain some indemnification for the heavy public losses, and to strengthen the arm of government by salutary terrors, they indeed deemed it just and expedient to punish those who had been prominent and instrumental in hostility, with banishment and confiscation; whilst those whose agency had been trifling, or who had passively submitted to the royal authority, were merely subjected to an amercement. The more exactly to carry this resolution into effect, two separate lists were framed, and their contents discussed in open assembly.

It happened then, that a gentleman nearly connected with Mr. Middleton by marriage, was numbered among those upon whom the higher penalty was to be visited. A strenuous effort was made, by the friends of the party concerned, to obtain his exemption. The success of the attempt appeared doubtful, until a member arose, and after expatiating upon the many and meritorious services of Arthur Middleton, who was at that time attending to his duty in congress,—expressed his conviction, that no more acceptable return could be made to Mr. Middleton than the exemption of the individual in question from the proposed penalty. The assembly entered, without hesitation, into the feelings of the speaker; the appeal was effectual; and the party escaped with only an amercement.

The momentous contest having been terminated soon after this event, by the news that the preliminaries of peace had been signed, Mr. Middleton declined any further attendance at the seat of the general government, and hastened with pleasure to that retirement which was always dear to him. Though eminent by his services and sacrifices during the hour of peril, and accustomed to move in a larger sphere of usefulness, he cheerfully engaged in the duties assigned him within a more limited circle, after the country had been rescued from the difficulties and dangers in which it had been involved. He served in the legislature of the state, and was greatly instrumental in restoring that order and tranquillity so essential to the public weal, but unhappily not always acceptable to a large class of individuals, who have been engaged in the restless and desultory scenes produced by intestine commotion. To convince men who had risked their all in the revolutionary struggle, that its beneficial results could not be rendered immediately personal, and that the immutable principles of justice barred their claims to an exemption from civil process, in their persons and property, was a difficult task, and one which required the united efforts of the best heads and hearts of the country. Many old debts hung over them, and these were claimed by men who had preferred the prudent to the honourable part. Among others, Mr. Middleton's loss had been immense, (not less than two hundred of his slaves having been carried away,) and he was involved in debt; but he adhered steadily to those who thought the interests of the community most advanced by restoring the authority of the laws. These struggles continued for several years, and except the part which, as a member of the legislature, he took in them, Mr. Middleton passed a life of philosophical ease, at his country seat, in the vicinity of Charleston. There he resided in elegance and refinement, surrounded by an interesting family, indulging in the luxury of an excellent library, and visited by numerous friends, who partook, without restraint, of his liberal hospitality. But unhappily, with a natural partiality for the place of his nativity, he thought too favourably of the climate of that part of the state in which it was situated. He took little care to avoid exposure in the autumnal season, and in the month of November, 1786, he was seized with an intermittent fever. Its paroxysms returned periodically for some weeks, during which time he refused to adopt the usual remedies, observing with philosophical indifference, that "it was best to leave nature to itself." When he consented to use them, the application came too late; he expired on the first of January, 1787.

In forming our conception of the natural disposition and character of Mr. Middleton, we are guided by the opinion of those who were well qualified to decide, from early and intimate acquaintance. It is believed, that if he had lived in the days of Hampden, he would have participated thoroughly in the feelings of that patriot; and that he would have ranked with those worthies who hold the first grade in the esteem of all who revere and cherish rational freedom. In common with men of generous minds, his temper was violent, and it is evident that he had it not under perfect control. It broke forth at times in marks of strong indignation, at any exhibition of meanness, or attempt at imposition. But violence of temper is the reproach which both weak and envious minds are apt to apply to men of genius, who see their object at a distance, and are impatient to arrive at it by hasty strides. The temporizing spirits, and those who were "infirm of purpose," complained that Mr. Middleton hurried them on too rapidly; and that he always advocated what are termed desperate measures. It is known that he was opposed to the surrender of Charleston, and was anxious that the place should stand an assault. General Lincoln called a council of war, to deliberate on the expediency of a capitulation. The weather being warm, the windows of the room in which it assembled were left open, and some citizens, who had an intimation of the object in view, had placed themselves near, anxious to know what should be the result. General Charles Cotesworth Pinckney, who then commanded the first regiment of the line, spoke with great vehemence against coming to terms with the enemy. His voice was strong, and what he said was distinctly heard by those without. After delivering his opinion, on going out, he found at the door, Mr. Arthur Middleton, who seized his hand with great eagerness, and told him that he thanked him in the name of his countrymen, for having opposed the disgrace of a surrender, and entreated him to exert himself to the last moment in preventing it.

In the public bodies in which he served, he is said to have shown no anxiety to make a display of oratory, nor to take the lead in debate. His speeches were short, and he usually delivered them under the influence of strong feelings. As they were evidently drawn from him by a deep interest in the subject, they rarely failed to make a corresponding impression.

No one was less solicitous about trifles, or more in earnest in matters of importance. The little value he set on the possession of wealth, was well known, and was not a little at variance with his tastes, which were of an expensive cast. An anecdote is retained in the family, illustrative of this trait in his character, and which may also serve to evince the coolness with which he could act, on occasions calculated to excite in other men marks of heat and precipitation. The house he inhabited on the Ashley, although large and commodious, did not altogether correspond with the appearance of two more modern wings, erected at some little distance from it. Mr. Middleton sometimes talked of taking it down, and building on another plan, but was dissuaded by his friends, on the ground of its being too large a superstructure to sacrifice to any plan of improvement. When he was one day walking over his grounds, the roof of his house took fire, and a servant came running to him, with a message from Mrs. Middleton, to inform him of the circumstance. Looking around him, and seeing that the atmosphere was calm, and that the wings could not be endangered, he sent the servant back, with the laconic injunction to "let it burn,"—and continued his walk. Mrs. Middleton, however, did not view the thing quite so coolly, and took the necessary measures to have the fire extinguished.

Entertaining his friends liberally, and having always a well furnished table, he was, in an uncommon degree, plain in his own diet, and apparently so from indifference rather than from system. His pleasures were drawn from study and meditation, more than from an intercourse with society, and he had early acquired a habit of abstraction, which confirmed the natural reserve of his temper, and was perhaps sometimes mistaken for pride.

In his person, Mr. Middleton was of the middle size, perfectly well formed, with great muscular strength. His features were fine, and his countenance expressive of firmness and decision. His death was accounted a public loss; and deprived several of the first characters of South Carolina of a friend, to whom they were attached with enthusiastic ardor, and of whom some of them could not speak for many years, without visible marks of emotion. To use the language of a writer of the times, he possessed "the plainest manners with the most refined taste;

—great reading, and knowledge of the world, concealed under the reserve of the mildest and most modest nature;—a complete philanthropist, but the firmest patriot;—cool, steady, and unmoved, at the general wreck of property and fortune, as far as he was personally concerned, but with a heart melting for the sufferings and woes of others;—a model of private worth and public virtue;—a good citizen, a good father, and an exemplary husband;—accomplished in letters, in the sciences, and fine arts;—well acquainted with the manners of the courts of Europe, whence he has transplanted to his country nothing but their embellishments and virtues."

Mr. Middleton left a wife and family consisting of two sons and six daughters. Mrs. Middleton closed, in 1814, a long and valuable life, during which, she maintained that standing in the community to which her large fortune, her elegant manners, and her liberal heart so amply entitled her. His eldest son, Henry Middleton, after having served for some years in the assembly of South Carolina, was elected governor of that state in 1811. He discharged the duties of the office with great energy, including one year of the war, when it became necessary to adopt measures for the defence of the sea-coast. He was subsequently elected to represent the district of Charleston in the congress of the United States, in which situation he continued until 1820, when he was appointed minister plenipotentiary to the court of St. Petersburg. He is known to be a gentleman of good taste, and of uncommon literary acquirements; a firm supporter of republican principles, and one of whom it is not too much to say, that he adorns the station which he fills.

His second son, John Izard Middleton, devotes his time to the cultivation of the fine arts, and his taste and refinement render him a conspicuous member of polished society.

ABRAHAM CLARK.

CLARK.

Abraham Clark was born in the borough of Elizabethtown, county of Essex, and province of New Jersey, on the fifteenth of February, 1726. He was the only child of alderman Thomas Clark, whose ancestors first settled upon the farm which descended to his son. He enjoyed a good English education, under competent teachers, and was particularly addicted to the study of the mathematics, and of civil law. In the year 1743, at the age of twenty-two years, he married Sarah Hetfield of Elizabethtown, who survived him ten years.

A constitution naturally weak, and a slender form, prevented him from engaging in laborious pursuits, to which, although by education a farmer, he was wholly unaccustomed. His principal occupations in early life, were surveying, conveyancing, and giving legal advice. He was not, by profession, a lawyer, but gave advice gratuitously; a task for which he had rendered himself competent, by the ardent pursuit of his favourite study. This generosity, which, in those more primitive times, was held in high estimation, procured him the honourable title of the "poor man's counsellor." His frequent services as an arbitrator of litigated titles to land, in different counties of the state, portray the high estimation in which his integrity and the correctness of his judgment were held, beyond the immediate circle within which he lived; and this opinion is confirmed by the appointment of the general assembly, which empowered him to settle undivided commons.

Previous to the commencement of his congressional duties, the confidence reposed by his fellow citizens in the zeal and ability of Mr. Clark, had been variously manifested. As high sheriff of the county of Essex, and clerk of the colonial assembly at Amboy, under the royal dominion, he had been distinguished for official assiduity and capacity. But neither the enjoyment of office, nor the prospect, however flattering, of increasing distinction, would seduce him from the natural allegiance which he owed to his native country. When the coming tempest of war began to agitate the land, he had already passed the meridian of life. He had arrived at an age when the actions of men are more frequently guided by principle than passion, and the calm circumspection of experience has succeeded the hot and hasty ebullitions of youth. It was, therefore, under a well settled and solemn conviction of the justice of the cause, that he appeared in the first ranks of the revolutionary phalanx, and devoted his remaining years to the service of his country. The oppressive claims of the British parliament, the inveterateness with which they were pursued, and the hostile spirit which characterized all measures touching the government of the colonies, were incitements which aroused all the energies of his mind, and led him to become a principal actor in the eventful scenes which marked the course of the liberating contest.

In the dawn of the revolution, he distinguished himself as an active member of the committee of public safety, as a constant attendant and assistant at popular meetings, and as a persevering promoter of patriotic feelings, by private communication. After an unremitting series of services in his native province, he was summoned to exercise his talents upon a more extensive theatre. On the twenty-first of June, 1776, he was appointed by the provincial congress, in conjunction with Richard Stockton, John Hart, Francis Hopkinson, and Dr. John Witherspoon, a delegate to the continental congress. They were instructed to unite with the delegates of the other colonies in the most vigorous measures for supporting the just rights and liberties of America, and, if it should be deemed necessary or expedient for this purpose, to join with them in declaring the United colonies independent of Great Britain.

Mr. Clark applied himself zealously to the discharge of his new duties, and was, for a long time, one of the leading members of the Jersey delegation. His industry, abilities, and perseverance, in the business of committees, and his plain, clear view of general measures, rendered him a valuable member of the house; while his patriotism and integrity attracted the respect and admiration of his colleagues. His faith and firmness were amply tested, a few days after he took his seat, by his cordial co-operation with those who advocated the immediate proclamation of Independence; and it is believed that his strong conviction of the propriety of that measure united with his many political virtues in promoting his appointment. One of the first duties which devolved on him as a member of the great national council, involving personal safety and fortune, and, what ranked above all other considerations in the estimation of Mr. Clark, the liberties of his country, was discharged with alacrity; and he affixed his name to the Declaration of Independence, with these feelings of pride and resolution which are excited by a noble but dangerous action. On the thirtieth of November, 1776, he was again elected by the provincial congress of New Jersey, and continued, with the exception of the session of 1779, to be annually re-elected a delegate from that state until the month of November, 1783. During this long period of service, his necessary intimacy with the proceedings of congress, and the course and nature of the arduous and protracted affairs which frequently demanded a great extent of memory and attention, rendered him an active and useful member. In 1788, he again took his seat in the national legislature.

The intervals of his non-election to congress were not devoted to leisure, nor applied to that relief from public cares which the feebleness of his constitution required. His exertions and services in the state legislature, of which he was a member during those periods, were properly appreciated, and his influence became so extensive, that he personally incurred popular praise or reproach, in proportion to the applause or odium excited by the general acts of the legislature. An act to regulate the practice in the courts of law in New Jersey, in some degree curtailing the emoluments of practitioners, was denominated *Clark's Law*, by the members of the bar; and they, in general, manifested a strong spirit of enmity to the supposed framer of the act. He was styled the "Father of the paper currency," although he opposed the emission with the whole weight of his influence, until popular meetings were convened to devise a plan for arresting the course of justice, and closing the courts. Contrary to the advice of his friends, who urged the personal danger which he incurred, he attended one of these meetings, where he explained and enforced the reasons which induced him to desire the postponement of the emission, until the fate of similar experiments, then making in the neighbouring states, might afford them a practical view of their results. He was instrumental, for a time, in calming the popular ferment, but was ultimately compelled to coalesce in a measure which appeared unavoidable.

Mr. Clark possessed the reputation of being a rigid economist in all things relating to the public treasure. Having, during the impoverished state of the country, strongly opposed a proposition of commutation for pay made in behalf of the officers of the revolutionary army, they became his decided enemies, and united their influence with the legal interest, in opposing his popularity. In justification of the course which he had pursued, he maintained that he, as well as many other civil officers, had cheerfully sacrificed a large share of property and domestic enjoyment for the public benefit, and that he considered the officers of the army, in common with himself, his family, and all others, as fully compensated for years of suffering and privation, by the result of the contest.

Mr. Clark was one among the earliest promoters of those measures which led to a convention for the purpose of framing a more stable and efficacious constitution for the government of the states. He had frequently discussed this subject with governor Clinton, of New York, particularly as it related to the oppressive conduct of the government of that state, in levying duties on vessels from other states; and he had clearly demonstrated the dangerous tendency of the measure. It is not, however, probable that he contemplated, at that period, the magnificent fabric which was subsequently erected on the ruins of the old confederation; his views and wishes were then circumscribed to an enlargement of the powers of the latter instrument.

In 1787 he was appointed a member of the general convention which framed the federal constitution, but was prevented by ill health from joining in the deliberations of that illustrious assembly. He was opposed to the constitution, in its primitive form; but his objections being removed by subsequent amendments, it met with his cordial approbation and support. Advantage was taken of these free sentiments by those who were inimical to Mr. Clark. His objections were magnified into a charge of anti-federalism, which, joined with the opposition of the legal interest, and of the discontented officers, together with a corrupt election, (which was refered to the first congress,) placed him, for the only time during his long political life, in the minority in the elections of New Jersey. He was, however, appointed, in the winter of 1789-1790, a commissioner to settle the accounts of the state with the United States, which office he held until the ensuing election, when he was elected a representative in the second congress, and continued to hold this honourable appointment until a short time previous to his death.

Towards the close of his public career, Mr. Clark continued, with unimpaired activity, to engage in the promotion of such political measures as, according to his mature judgment, appeared compatible with the welfare of his country, or necessary for the support of its dignity. In the congress of 1794, he exerted his influence and talents in support of the memorable resolutions submitted by Mr. Madison, relative to the commerce of the United

States. From the peculiar state of parties at that period, the proposed commercial discriminations were, in some degree, invested with principles entirely distinct from the mere regulation of trade. The enthusiasm in favour of the French nation, so recently manifested in the treatment and endurance of Genet, rendered all measures calculated to injure Great Britain particularly consonant with the popular feeling. At the same time, the propriety of retaliating the restrictions on American trade, of vindicating our commercial rights, and of establishing permanent regulations for their support, formed the bases of strong arguments in support of the resolutions. During this long and animated debate, conducted with a degree of eloquence and spirit commensurate with the interest which the propositions had excited, Mr. Clark was distinguished as one of their most powerful advocates.

The proceedings of the national legislature continued gradually to assume a more threatening character, and a war with Great Britain appeared to be almost inevitable. The irritable state of the public temper was felt upon the floor of congress, and the debates were conducted with peculiar vehemence. Numerous propositions had been made, during the general ferment, of the most decisive nature. On the twenty-seventh of March, 1794, Mr. Dayton moved a resolution for sequestering all debts due to British subjects, for the purpose of indemnifying our citizens for spoliations committed on their commerce by British cruisers; but before any question was taken on this proposition, Mr. Clark moved a resolution which suspended, for a time, the consideration of the commercial regulations. This was to prohibit all intercourse with Great Britain, until full compensation was made to our citizens for the injuries sustained by them from British armed vessels, and until the western posts should be delivered up. Warm and animated discussions of the several propositions continued to take place daily, but they were suffered, by the majority, to remain undecided. On the sixteenth of April, president Washington announced to the senate, the nomination of the honourable John Jay as envoy extraordinary to his Britannic majesty, for the purpose of adjusting the difficulties which existed between the two countries.

On the eighteenth of April, a motion to consider the report of the committee on the resolution proposed by Mr. Clark, was opposed principally on the ground, that as Mr. Jay had been nominated to the court of Great Britain, no obstacle ought to be thrown in his way. It was also said, that the adoption of the resolution would be a bar to negociation, as it used the language of menace, and would certainly be received with indignation;—that it also prescribed the terms on which alone a treaty should be made, and was consequently an infringement of the right of the executive to negociate, and an indelicacy to the department;—and that, as it withheld the benefits of American commerce from one belligerent, while it remained free to the other, it manifested a partiality which was incompatible with neutrality, and led to war. On the contrary, it was urged that the measure was strictly within the duty of the legislature, they having solely the right to regulate commerce;—that, if there was any indelicacy in the clashing of the proceedings of the legislature and executive, it was to the latter, and not to the former, that this indelicacy was to be imputed;—that the resolution had been several days depending in the house, before the nomination of an envoy had been made;—and that America, having a right as an independent nation to regulate her own commerce, the resolution could not lead to war. A bill was finally brought in conforming to Mr. Clark's resolution, and carried by a considerable majority. It was, however, lost in the senate, on the twenty-eighth of April, by the casting vote of Mr. Adams, the vice-president.*

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* Marshall's Life of Washington, vol. iv.

The feelings which actuated Mr. Clark in his course of public usefulness, were wholy disinterested. Separating the patriot from the father, he scrupulously refrained from exerting his influence with congress in favour of his sons, who were officers in the army, and had been captured by the enemy: yet a part of their confinement was in the prison-ship Jersey, and they suffered more than the ordinary hardships of prisoners. In one instance, however, paternal feeling was exercised with propriety. The treatment of American prisoners by the British had, in many cases, been peculiarly barbarous, and disgraceful to a civilized nation, and retaliation was the indirect mode by which protection was afforded to our suffering countrymen. Thomas Clark, a son of Mr. Clark, and a captain of artillery, experienced the most cruel persecution: he was immured in a dungeon, with no other food than that which was introduced by his fellow prisoners through a key-hole. A representation of this fact being made to congress, retaliation was resorted to in the person of a British captain; the desired result was produced, and captain Clark's sufferings were mitigated.

Exhausted by his political toils, and the infirmities incident to a feeble constitution, Mr. Clark finally retired from public life on the adjournment of congress, ninth June, 1794.—Patriotism was the most distinguishing trait in the character of this plain and pious man. In private life, he was reserved and contemplative: preferring retirement to company, and reflection to amusement, he appeared to be continually absorbed in the affairs of the public. Limited in his circumstances, moderate in his desires, and unambitious of wealth, he was far from being parsimonious in his private concerns, although a rigid economist in public affairs.—His person was of the common height, his form slender, and his eye-brows heavy, which gave an appearance of austerity to his countenance. His habits were extremely temperate, and his manner thoughtful and sedate.

In the autumn of 1794, this excellent man experienced a *coup de soleil*, or stroke of the sun, which terminated his existence in two hours. He died in the sixty-ninth year of his age, and was buried in the church-yard at Rahway, upon which church he had bestowed numerous benefactions. The inscription which designates the grave of the patriot, comprehends a concise view of the character of him who rests within it:

Firm and decided as a patriot,
Zealous and faithful as a friend to the public,
He loved his country,

And adhered to her cause
In the darkest hours of her struggles
Against oppression.

resided in Caernarvon. A strong and proud attachment to her country was a peculiar feature in the character of this respectable lady, who appears to have been devoted to every thing connected with the ancient British: hence she took particular pains to render her nephew, in early youth, master of the Cymraeg, or native language of his country; a knowledge of which he retained through the course of

And adhered to her cause
In the darkest hours of her struggles

LEWIS.

Francis Lewis was born in the month of March, 1713, at Landaff in the shire of Glamorgan, South Wales, where his father was established as a protestant episcopal clergyman. His mother was the daughter of the Reverend Doctor Pettingal, a clergyman of the same profession, in Caernarvonshire, North Wales. He was their only child; but death soon deprived him of his natural guardians, and left him an orphan at the age of four or five years. At this tender stage of life, he was consigned to the care of a maternal maiden aunt, named Llawelling, who resided in Caernarvon. A strong and proud attachment to her country was a peculiar feature in the character of this respectable lady, who appears to have been devoted to every thing connected with the ancient British: hence she took particular pains to render her nephew, in early youth, master of the Cymraeg, or native language of his country; a knowledge of which he retained through the course of his life: he was also sent to Scotland, where he acquired, in the family of a highland relation, the Gaelic language, which is said to be the oldest and purest dialect of the Celtic.

When young Lewis had arrived at the proper age, he was transferred to the tutelage of a maternal uncle, then Dean of St. Paul's, in London, by whom he was placed at Westminster school, where he completed his education and became a good classic scholar. He then entered the compting-room of a merchant in the city of London, where he served a regular clerkship, and acquired a very extensive and judicious knowledge of commerce, which became the occupation of his future life. When he attained the age of twenty-one years, he came into possession of a moderate amount of property, which he converted into merchandize, and embarked with it for the city of New York, where he arrived in the spring of 1735. Finding that his cargo was too extensive for the New York market, he formed a commercial connexion with Mr. Edward Annesley, a descendant of the ancient Anglesey family, and repaired with a portion of his merchandize to Philadelphia, leaving his partner to dispose of the residue in New York.

At the expiration of two years, he returned to New York, where he permanently established his residence and engaged extensively in navigation and foreign trade. At this period he married Elizabeth Annesley, the sister of his partner: the offspring of this connexion was seven children, four of whom died during infancy, and the three younger lived to become the parents of a numerous progeny.

One of his first shipments to Europe consisted of an entire cargo of wheat; and he frequently remarked, that, from its novelty, it was at that time the subject of much conversation. The port of New York being inadequate to the supply of a full freight for the vessel, he was compelled to send her round to Philadelphia to complete her lading: the average price of wheat was three shillings and four pence, currency, per bushel.—In the prosecution of his mercantile pursuits, which exhibited peculiar perseverance and enterprise, he traversed a great part of the continent of Europe. He was twice in Russia, and visited all her sea-ports from Petersburg to Archangel: he also visited the Orkney and Shetland Islands, and was twice shipwrecked on the coast of Ireland.

In the year 1749, notwithstanding the treaty of Aix la Chapelle, the contest between the English and French colonies relative to boundaries, was revived. The most extensive field of controversy was the vast and interesting plan formed by the French government, for connecting Louisiana to Canada, by a chain of forts. This scheme excited the most serious alarm throughout the British colonies, as the settlements of the French extending from north to south, necessarily interfered with the charters granted by the crown to the first English adventurers, which extended from the Atlantic to the Southern ocean. France, however, insisted on confining the British territory to the eastern side of the Apalachian or Alleghany mountains, claiming the whole country whose waters run into the Mississippi, in virtue of her right as the first discoverer of that river. From the progress of the dispute, it soon became apparent that it would be decided by the sword alone, notwithstanding the great disparity of numbers in favour of the British colonies. The governors of Canada had, for many preceding years, been employed in fortifying such situations as would give their nation most influence with the Indians: they had thus acquired the command of Lake Champlain, and a connected chain of posts was maintained from Quebec up the St. Lawrence and along the great lakes.—A grant obtained from the British crown, by the Ohio company, for six hundred thousand acres of land, lying in the country claimed by both nations, accelerated the approach of war. The governor of Canada deeming the establishment of trading houses, and the employment of persons to survey the country, by this association, an intrusion into the dominions of his Christian majesty, seized the British traders, and imprisoned them at Presqu' Isle, on Lake Erie. In November, 1753, major Washington, who afterwards guided the revolutionary storm, was despatched to the commandant of the French forces on the Ohio, requiring him to withdraw from the dominions of his Britannic majesty. The French general, refusing to comply with this message, preparations were immediately made in Virginia, to assert the rights of the British crown. The earl of Holdernesse, secretary of state, had ordered the governors of the several states to repel by force, and endeavour to dislodge the French from the posts on the Ohio. A convention was called in Albany, where a plan of union was agreed to; but it was objected to, both in England and America, and it was finally determined to carry on the war with British troops, aided by provincial re-inforcements.*

The defeat of colonel Washington, at Little Meadows, and the establishment of the post on the Ohio, were considered by the British goverment as the commencement of war in America, and early in the year 1755, general Braddock was sent from Ireland with a very respectable body of troops, destined to serve in the anticipated hostilities. As soon as the plan of the campaign had been digested, Braddock marched towards Fort Du Quesne, for the purpose of investing it. When within about seven miles of the fort, he fell into an ambuscade of French and Indians, by whom he was defeated and mortally wounded. So great was the carnage, that every officer on horseback, excepting Washington, was killed or wounded. Sixty-four out of eighty-five officers, and about half the privates, were killed and wounded. The two northern expeditions, which had been planned against Niagara and Crown Point, though not so disastrous, were neither of them successful. Thus ended the campaign of 1755, and, excepting the expulsion of the French from Nova Scotia, no single enterprise was crowned with success.

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* Marshall's Life of Washington, vol. i, ch. xi, xii, *et seq.* Ramsay's American Rev. ch, i. *et seq.*

Governor Shirley, having abandoned the expedition against Niagara, left a garrison of seven hundred men in Oswego, with directions to complete the works of that place, and returned to Albany, where he immediately called a grand council of war, for the purpose of preparing a plan for the campaign of 1756. It was determined by the couneil to make every exertion for the reduction of Crown Point and Niagara, with the other posts on Lake Ontario, and Fort Du Quesne. About this time, monsieur de Montcalm, an able and intelligent officer, who succeeded Dieskau in the command of the French troops in Canada, formed a plan for the reduction of Oswego, which his activity rendered successful. Colonel Mersey (called in British history, Mercer,) held the command of the fort, and Mr. Lewis was present, as agent for supplying the British troops with clothing. Being the particular friend and early companion of the commandant, he resolved to remain with him, in the capacity of aid, on the investment of the fort. Montcalm, while the British and Americans were adjusting their difficulties respecting rank, and deliberating whether to attack Niagara or fort Du Quesne, advanced at the head of about five thousand Europeans, Canadians, and Indians, against Oswego. He brought up his artillery with great rapidity, and opened a battery which played on the fort with considerable effect. Colonel Mersey was killed by the side of Mr. Lewis, and in a few hours the place was declared by the engineers to be no longer tenable. To prevent an assault, the garrison, consisting of the regiments of Shirley and

Pepérel, amounting to one thousand six hundred men, capitulated, and were made prisoners of war. At the close of the war, the British government conferred on Mr. Lewis five thousand acres of land, in consideration of his military services.

Notwithstanding the immense labour and expense, the campaign of 1756 terminated in utter defeat and disappointment, and the close of the campaign of 1757, left the affairs of Great Britain in North America in a more gloomy situation than at any former period. But when Mr. Pitt was placed at the head of the ministry, public affairs assumed a new aspect. Victory every where crowned the British arms, and in a short time the French were dispossessed, not only of all the British territories on which they had encroached, but also of Quebec. After hostilities had raged nearly eight years, preliminary articles of peace were signed at Paris, in November, 1762, by which Canada was ceded to Great Britain, together with the river and port of Mobile, and all the territory to which France was entitled on the left bank of the Mississippi,—his christian majesty reserving only the Island of New Orleans. Finally, the Havannah was exchanged with Spain for the Floridas, and Great Britain became almost sole mistress of the North American continent.

After the surrender of Fort Oswego, it is reported that Montcalm barbarously gave permission to the chief warrior of the savages, who composed a part of his forces, to select about thirty of the garrison as his portion of the prisoners. Mr. Lewis was included among the number, and it is handed down by tradition that, in this fearful extremity, his life was preserved by a certain resemblance which existed between the Welsh and the Indian tongues. It is said that he discovered, soon after his merciless surrender to the savages, so strong an affinity between their languages, and that of the Cymraeg, that he was enabled to make known to them all his wants. This unexpected circumstance gained the good will and protection of the chief, who conducted him in safety to Montreal, and delivered him to the French governor, with the request that he might be permitted to return home to his family without ransom: this favour, however, was denied, and he was sent in a cartel to France for exchange.

The coincidence said to exist between the Welsh and Gaelic dialects of the Celtic tongue, and the language spoken by the aboriginal Mingoes, and the reputed emigration of Madoc and his Cambrian followers, have, for a long time, ranked as a doubtful and controverted point. The late major Amos

Stoddard, who was killed at the battle of Miami, was a firm believer, together with many other scientific men, in the existence of Indians in North America, speaking the Welsh tongue; and in his valuable "Sketches of Louisiana," he has devoted a chapter to the discussion of the subject. The Welsh emigrants are said to have migrated to America three hundred years before the days of Columbus; a fact which is recorded by three Welsh historians or bards, and their existence in our forests is attested by various transient travellers. Many arguments are adduced in support of this opinion, which appear to possess great weight: but, it must be recollected, that no theory, however unfounded and delusive, has ever been formed, which has not derived some plausibility, however fleeting, from the superficial reasoning of the speculative and ingenious philosopher. It is urged that the Welsh had as powerful motives for colonization as any other people, because they had been for a long series of years subject to every species of violence and oppression; and that the great military talents and powerful resources of Henry II, during whose reign the emigration took place, created peculiar terror among the Welsh nation. Moreover, Wales was generally governed by a number of petty princes, who frequently waged destructive wars against each other: hence, invaded from without, and convulsed within, the Welsh had strong motives to abandon their country, and to hazard their lives in pursuit of another, especially at a time when they had lost all hopes of maintaining their liberties. Great stress is laid upon the opinions which have existed among the learned relative to the origin of the aborigines of America, some of whom maintain that they are sprung from Asia, some from Africa, and others from the North of Europe; and it is triumphantly demanded, why is it not as likely that Wales furnished a population for America, as some of those countries, particularly Africa and the North of Europe?—The migration of Madoc, the son of Owen Gwyneth, in the year 1170, is recorded in the history of Wales, written by Caradoc, in the Welsh language, translated into English by Lloyd, and published by Dr. David Powel, in 1584: the supposed fact is founded on the poems of Meredyth ap Ryhs, Guytin Owen, and Cynfryg ap Grenw. The first of these bards flourished in 1470, and the two last in 1480. Several historians have mentioned the voyages of Madoc, and seem to consider them as indisputable, and many anecdotes have been cited to prove, from time to time, the actual existence of the Welsh tongue in our own country. One Morgan Jones, a Welshman, was taken prisoner by the

Tuscaroras on Pontigo river, in the year 1660, and being informed that he must prepare for death, he exclaimed in the Welsh language, "have I escaped so many dangers, and must I now be knocked on the head like a dog?" Thereupon, a war-chief approached and embraced him, telling him, in the same language, that he should not die.—Dr. Williams mentions that a certain young man was taken prisoner by the Indians in Virginia, soon after the settlement of it, and that he saved his life by the knowledge he had of their language, which was Welsh. "They produced a book, which he found to be the Bible, but which they could not read."—In the "British Remains," published in 1777, it is asserted that one Stedman was on the coast of America in a Dutch vessel about thirty years before, and that when he was about to land, the natives strongly opposed him; but, understanding their language, which was Welsh, he spoke to them, when they became exceedingly courteous. It is also stated that the master of an English privateer or pirate, in repairing his vessel near Florida, became acquainted with the Indian tongue spoken there, which was afterwards found to be Welsh.—Father Charlevoix, a credulous French missionary, travelled from Canada to the Mississippi, in 1721, and was informed by certain Indians called the Aiouaz, (Iowas,) that certain other Indians called the Omans, had *white skin and fair hair:* the good father also declared that he had great reason to believe that there were on this continent, some Spaniards, or European colonies, much more north than any then known in Mexico or California.—Carver, who passed the winter of 1766 among the Scioux on the river St. Pierre, was informed that a nation rather smaller and *whiter* than the neighbouring tribes, lived about the heads of the Missouri.—A Welshman, named Griffith, was taken prisoner by the Shawnee Indians, about the year 1764, and two years after his captivity, accompanied five Indians, who resolved to penetrate to the source of the Missouri. On the Shining Mountains they ancidentally met with three *white men* in the Indian dress, and accompanied them to their village, where they found the whole nation of the same complexion. It having been determined to put the strangers to death, Griffith addressed the council in Welsh, and explaining the motives of their journey, full confidence was immediately restored. A Frenchmen informed major Stoddard, in 1805, that being one of a party employed to explore the Missouri, he entered a large lake situated on the summit of the Shining Mountains, from which the Missouri flows; that he descended another river which issued towards the west, on which he remained eleven days;—and that he discovered, from his inquiries, that there was a numerous and singular nation of Indians about the lake, who were not in the least tawny, but rather of a yellowish complexion, a great number of whom had red hair on their heads.—Vancouver found a people in the vicinity of Columbia river, speaking a language different from that of their neighbours, and in features resembling the northern Europeans.—Lewis and Clark discovered some people near the mouth of the same river, who had red or sandy hair.—One Benjamin Sutton informed an Indian missionary, named Beatty, in 1766, that he was at an Indian town, a very considerable distance above New Orleans, whose inhabitants were of different complexions, not so tawny as those of the other Indians, and who spoke Welsh;—that he saw a book among them which he supposed was the Welsh Bible, which they could not read;—and that he heard some Indians among the Shawnees speak Welsh with a native of Wales, by the name of Lewis.—A certain Levi Hicks told the same missionary, that he once attended an embassy in a town of Indians on the west side of the Mississippi, who talked Welsh.—Captain Isaac Stewart was taken prisoner by the Indians, in 1764, and conducted to the Wabash. Having been redeemed from captivity by a Spanish traveller, he took his departure in his company to the westward, and on Rouge, or Red river, found a nation of Indians remarkably white, and whose hair was of a reddish colour. A Welshman, named John David, was one of the party, and understood their language, it being little different from the Welsh.*

These authorities, it is objected, if they prove any thing, prove too much; because they allude to a Welsh tribe in Virginia, to a second in Florida, to a third on Red River, to a fourth on the Mississippi, to a fifth on the Missouri, and perhaps to a sixth on the Wabash; and they could not have become so numerous, or so much dispersed, as to occupy these different and distant regions. But this solid argument is rebutted in a very summary manner, by calculating, on conjectural data, the number of Welsh Indians to have been in 1660, when they were first discovered, precisely one million one hundred and twenty six thousand, four hundred. Madoc is gratuitously supposed to have sailed, in his three voyages, with twenty ships—each of those vessels is supposed to have carried fifty-five colonists, making, in the aggregate, eleven hundred, —five hundred years are supposed to have elapsed from the time of their migration to the date of their discovery; and to close these suppositions, the emigrants are supposed to have doubled their population once in every fifty years. The dispersion of the settlers is attributed to the death of Madoc, and the augmented population of the Welsh, which, creating divisions among them, terminated in their separation under different chiefs.

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* Vide Stoddard's Sketches of Louisiana, chap. xvii, *et seq.*

But, notwithstanding these plausible authorities and arguments, it is the opinion of the most learned and eminent philosophers of this country, that all the stories which have been circulated relative to the Welsh Indians, are undeserving of the least credit. The testimony of three persons to prove the existence of a Welsh Bible among at least two tribes of these savages, and the circumstance that these three persons lived at different eras, and indeed in different centuries, and were wholly unconnected and unknown to each other, are considered as irresistibly convincing. On what ground, say the advocates of Welsh emigration, shall we consider their testimony, as well as that of many other persons, as the result of artifice or fraud, especially as it illustrates the same points, grows out of different occasions, and was published nearly at the same time? This question is readily resolved. It is well known that the sacred scriptures were not translated into modern languages until after the reformation: how then could a Welsh Bible have been brought to America by Prince Madoc or his followers?

It can be undoubtedly shown that the anecdote related of Mr. Lewis is legendary, and founded in error. It is said that he conversed in the Welsh tongue with the aboriginal *Mingoes*. Now the language of the Mingoes is well known in its various dialects, which vary little from each other. They are the Iroquois, or, as we call them, the Six Nations, and we possess grammars, dictionaries, and vocabularies, of their idioms. Those scientific men who have read and studied these works, and who have conversed with the native Indians of those nations, positively assert that their language bears no affinity whatever to the Welsh, nor to any other European tongue. The Welsh, according to Adelung, who has carefully analyzed it, is, in affinity, one-half with the Low German, one-fourth with the Latin, and the remaining fourth is pure Celtic. Its physiognomy, its grammatical forms, the etymology of its words, bear not the slightest resemblance to the Mingoe or Iroquois, nor to any other known Indian language.

It is, therefore, certain that the current report in relation to the cause which procured the liberation of Mr. Lewis, arose from misconception. Such tales are produced by the love of the marvellous which is inherent in our nature. Not long since, a gentleman of South Carolina, travelling in the Indian country with an African slave, was astonished to find that he and the Indians understood each other perfectly. We ought to be the first to discredit these fables. If, on the contrary, our men of letters take pains to propagate them, they will shed disgrace on our literature, and make us the laughing-stock of scientific men abroad.

From the termination of the Canadian war, to the commencement of the revolution, Mr. Lewis uniformly co-operated with those early patriots, who opposed the gradual encroachments of the British government on the rights of the American people. When intelligence was received of the passage of the stamp act, and the resolution of the British parliament to raise a revenue in America, he participated largely in the universal indignation which was excited, and in the opposition which attended the execution of those revolting acts. At this portentous period, the house of representatives of Massachusetts contemplated a more solemn and effectual expression of the general sentiment than the resolutions passed by the legislatures of many of the provinces, declaring every attempt to vest the right of laying taxes and impositions on the inhabitants of the colony elsewhere than in their respective assemblies, to be illegal, unconstitutional, and unjust, having a manifest tendency to destroy British as well as American freedom; they, therefore, recommended a congress of deputies from all the colonial assemblies to be held in New York in October, 1765, and at the appointed time, commissioners assembled from all the colonies, with the exception of New Hampshire, Virginia, and North Carolina. After mature deliberation, a declaration of their rights, and a statement of their grievances, were agreed to, in which they strongly asserted their exemption from all taxes not imposed by their own representatives, and their privilege of a trial by jury; they also concurred in a petition to the king, a memorial to the house of lords, and a petition to the house of commons, which were composed with temper and firmness, and unequivocally expressed the attachment of the colonists to the mother country. Of this congress, Mr. Lewis was an active and distinguished member.

The revolution may be truly said to have commenced with the acts of 1765. From that period not an hour of settled peace had existed between the two countries. It is true that the eruption produced by the stamp act had subsided with its repeal; and the people had resumed their ancient settlements and occupations; but there was no peace of the heart and of the mind. The rumbling of the volcano was still audible, and the smoke of the crater continually ascended, mingled not unfrequently with those flames and masses of ignited matter, which announced a new and more terrible explosion. These were the times that tried the souls of men; and never in any country or in any age did there exist a race of men whose souls were better fitted to endure the trial. Patient in suffering, firm in adversity, calm and collected amid the dangers which passed around them; cool in council, and brave in battle; they were worthy of the cause, and the cause was worthy of them.

Mr. Lewis was one of the first to enrol his name among the "sons of liberty," an association which exhibited the earliest dawn of a determination to resist force by force. When it was attempted to put the stamp act in operation, he retired from business to his country seat on Long Island, where he continued to reside until the year 1771. Being then desirous of establishing his eldest son in the mercantile profession, he embarked with him for England, and towards the close of that year, returned with a large quantity of dry-goods, and recommenced business under the firm of Francis

Lewis and son. On the commencement of hostilities in 1774-5, he again retired from commercial pursuits.

The patriotism, firmness, integrity, and abilities, which had characterised the career of Mr. Lewis for almost half a century, pointed him out to his fellow citizens as a fit representative to the continental congress, when these eminent qualifications alone could insure success to the efforts of a weak and struggling people; and at a provincial convention, formed of deputies from the city and county of New York, the city and county of Albany, and the counties of Duchess, Ulster, Orange, West-Chester, King's, and Suffolk, held in New York on the twenty-second of April, 1775, he was unanimously elected a delegate, with full power to concert and determine on such measures as should be judged most effectual for the preservation and re-establishment of American rights and privileges, and for the restoration of harmony between Great Britain and the colonies. On the twenty-first of December, 1775, he was continued, by the provincial congress of New York, a delegate from that state for the year 1776, and affixed his signature to the Declaration of Independence with a pride and exultation, only equalled by the ardour with which he supported its adoption. In a convention of the representatives of the state of New York, held at White Plains, on the ninth of July 1776, the conduct of her congressional delegates was fully approved, and it was unanimously resolved that the reasons assigned by the continental congress for declaring the united colonies free and independent states, were cogent and conclusive; and that, while they lamented the cruel necessity which had rendered that measure unavoidable, they would, at the risk of their lives and fortunes, unite with the other colonies in supporting it.

At the election held at Kingston, by the representatives of New York, on the thirteenth of May, 1777, Mr. Lewis was not included in the representation to congress, but received the formal thanks of the convention for his long and faithful services rendered to the colony and state of New York. At the first meeting, however, of the legislature, he was again elected a delegate, on the second of October, 1777, and appeared in his place on the fifth of the following December. On the sixteenth of October, 1778, he was, for the fourth and last time, appointed to represent the state in the national legislature. On the twenty-seventh of April, 1779, he obtained leave of absence, which appears to have terminated his career in congress, after a long, laborious, and energetic display of the patriotism and abilities which had procured him the distinguished honour of a seat in the most illustrious assembly that the world has ever witnessed. In the various duties which devolved on him, he uniformly acted with prudence and precision, both as it regarded the great national questions which were discussed in the house, and the less distinguishing but not less necessary business of committees. In his employment in secret services, and particularly in his purchases of clothing for the army, in the importation of arms and ammunition, and in contracting for provisions, he displayed the peculiar qualifications which might be expected from his commercial abilities. As a member of the committee of claims, instituted for the purpose of putting the accounts of the continent in a proper train of liquidation and settlement, his professional knowledge was equally valuable and correct. From the same cause, he was an efficient member, in 1775, of the committee, on the Albany treaty with the six nations of Indians, appointed to mature a plan for re-opening the trade with those Indians at Albany and Schenectady, and to devise ways and means for procuring goods proper for that trade. On the eleventh of December, 1775, he was appointed one of a committee to devise some mode of furnishing the colonies with a naval armament, and was a valuable member of the committee of commerce. On the twentieth of September, 1776, he was delegated, together with Mr. Sherman and Mr. Gerry, to repair to head quarters, near New York, to inquire into the state of the army, and to devise the best means of supplying its wants. But it is impossible to enumerate the varied and valuable duties performed by Mr. Lewis, during the period of his services in congress. On the seventh of December, 1779, not long after his retirement from that body, he was appointed a commissioner for the board of admiralty, which office he accepted.

At the time of his first election to congress in 1775, Mr. Lewis unfortunately removed his family and effects to his country seat on Long Island, which was plundered, in the fall of 1776, by the British light horse, under the command of Colonel Birteh. All his immoveable property was wantonly destroyed, as well as his books and papers of every description. But the wrath of the marauders against the rebel representative, who had dared to brave the fury of offended royalty, by inscribing his name on the document which severed the British Empire, was not appeased by the ruin in which they involved all his destructible property. The vengeance of party spirit was basely and inhumanly visited on an unprotected and unoffending female,

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ndaunted patriotism of the statesman was in the person of his wife. Mrs. Lewis, nceivable brutality, was placed in close nt, without a bed to lie upon, and with- hange of clothes whatever; in which situa- remained during several months. This disgraceful affair was brought before congress on the eighth of November, 1776, and then referred to the board of war: on the third of December, following, it was resolved that a "Mrs. Chamier be permitted to go to her husband at New-York, and that Mrs. Lewis at Flushing, on Long Island, be required in exchange." It appears, however, that this unfortunate victim was finally exchanged through the influence of general Washington, for Mrs. Barrow, the wife of the British paymaster-general, and Mrs. Kempe, the wife of the attorney-general of the province. The consequence of her imprisonment was the entire loss of health; and in the course of two years, her life fell a sacrifice to this modern act of vandalism.—In fact, the conduct of the British was, in many respects, inhuman and disgraceful, particularly in the treatment of prisoners at New York. The wanton and oppressive devastation of the country, and the destruction of property; the brutal treatment of those who fell into their power; the savage butchery of others who had submitted and were incapable of resistance; and the lust and brutality of the soldiers in the abuse of women; have all inflicted a stain upon the British character and British arms, which all the glory of her Marlboroughs, her Nelsons, and her Wellingtons, can never efface; and the deep wound which pierced the bosom of America, still rankles and festers from generation to generation. From the report of a committee of congress, in April, 1777, it appears that the whole track of the British army through New Jersey was marked with the most wanton ravages and desolation, and that places of worship, ministers, and religious persons of certain protestant denominations, were particularly treated with the most rancorous hatred, and at the same time with the greatest contempt. Prisoners, instead of that humane treatment which those taken by the United States experienced, were in general treated with the greatest barbarity. Many of them were kept nearly four days absolutely without food; and when they received a supply, it was both insufficient in point of quantity, and of the worst quality. They suffered the utmost distress from cold, nakedness, and close confinement. Freemen, and men of substance, suffered all that a generous mind could suffer, from the contempt and mockery of British and foreign mercenaries. Multitudes died in prison; nor was any charitable assistance afforded to the sick and dying, a neglect which was probably never known to happen, in a similar case, among christians. The prisoners captured by sir William Howe, in 1776, amounted to many hundreds, who were shut up, in the coldest season of the year, in churches, sugar-houses, and other large buildings. Many hundreds of these unhappy men expired from the severity of the weather and the rigour of their treatment. The filth of their places of confinement was both offensive and dangerous; and seven dead bodies have been seen in one building, at one time, all lying in a situation shocking to humanity. When those who survived were ordered to be sent out for exchange, some of them fell dead in the streets, while attempting to walk to the vessels, and others were so emaciated that their appearance was horrible. It has been asserted, on as good evidence as the case will admit, that, during the last six years of the war, more than eleven thousand persons died on board the Jersey prison-ship, which was stationed in East river, near New York; and for some time after the war the bones of many of these victims lay whitening in the sun on the shores of Long Island.*—Conyngham, the provost-marshal at New York, was a fellow who would not, says Graydon, have disgraced the imperial throne of the Cæsars, in the darkest days of Roman tyranny; nor the republic of France at the most refulgent era of jacobinism. It is recorded, as a trait of his villany, that in the evening he would traverse his domain with a whip in his hand, sending his prisoners to bed with the ruffian-like exclamation of, "kennel, ye sons of b—s! kennel G—d d—n ye!" Colonel Ethan Allen, than whom few have ever felt more severely the hand of arbitrary power, declares that Joshua Loring, the commissary of prisoners, was even a greater villain than Conyngham. His language on this occasion, so violent, yet characteristic of that singular man, demonstrates the irresistible excitement occasioned by a series of the most inhuman oppressions, and which once caused him to twist off with his teeth the nail which fastened the bar of his hand-cuffs: "Loring," he remarks, "is the most mean-spirited, cowardly, deceitful, and destructive animal in God's creation below; and legions of infernal devils, with all their tremendous horrors, are impatiently ready to receive Howe and him, with all their detestable accomplices, into the most exquisite agonies of the hottest regions of hell-fire."

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* Ramsay's Revolution, p. 572.

With regard to the butchery of unresisting prisoners, many facts might be produced. It was the general opinion that the enemy, the day before the battle of Princeton, had determined to give no quarter; and the treatment of several particular persons, at different times, was of the most shocking description, and gave too much countenance to the supposition. Wounded and disabled officers, some of whom were of the first rank, were barbarously mangled, or put to death. A minister of the gospel in Trenton, who neither was nor had been in arms, was massacred in cold blood, though humbly supplicating for mercy. A young American was killed by the British cavalry, and his body so cruelly hacked and mangled by their sabres, that general Washington thought proper to send it in for inspection: it was carried to the post of sir George Osborne, who with much admired sang-froid, simply returned for answer, that "*he was no coroner.*" This circumstance became a theme of considerable merriment, and the bon mot of sir George was not a little applauded. Such was the treatment of prisoners, and the inhumanity of the enemy, when Mrs. Lewis was subjected to the unmanly exercise of their power.

The property of Mr. Lewis was almost all sacrified on the altar of patriotism; and the peace which established the independence of his country, found him reduced from affluence to nearly a state of poverty; his real estate being little more than sufficient for the discharge of his British debts.

On the thirtieth day of December, 1803, this venerable man, and excellent citizen, was gathered to his fathers, in the ninetieth year of his age, bequeathing to his posterity a name which shall long flourish in the annals of liberty, and affording an example of virtue, constancy, and personal sacrifice, which, if properly appreciated, will serve as a model upon which the rising patriot may found his fame, and to which the veteran statesman may look with mingled emotions of rivalry and admiration.

JOHN PENN.

PENN.

The life of John Penn affords another example of the natural powers of the mind rising in triumph over the deficiencies of education, and marching perseveringly towards honours and distinctions, in spite of those obstacles which are most likely to restrain its energy, and paralyze its efforts. While we contemplate, with wonder, the ascendency of the divine spark which animates and invigorates the mind of man, and teaches it to soar above the level to which it has been restricted by negligence or necessity, we cannot but admire the artificial exertions of the individual, without whose earnest co-operation, it would have been extinguished by ignorance and imbecility. Few indeed are the instances in which a youth of literary deprivation leads to a life of professional distinction and political celebrity. I do not allude, of course, to the political demagogue, who rises upon the prejudices of the people, and, however ignorant he may be, supports himself, for a time, by the violence of his opinions, the bitterness of his vociferation, and the malignant spirit of his partisans. A youth of idleness, ignorance, and depravity, is the foundation upon which the principles of such a man are formed. The honest and efficient politician, whose elevation and integrity are independent of the vacillation of party, is formed in the school of virtue. His early years are devoted to the study of mankind, and to the acquisition of knowledge from the lore of books; with the expansion of his mind he imbibes the philosophy of jurisprudence, the science of government, and their proper adaptation to the natural, the moral, and the political, conditions of man. The basis of his elevation and his fame is not the transient breath of popular applause; they rest upon matured knowledge, fixed principles, and immutable laws. The formation of such a member of society is generally slow, but unfailing, commencing in the dawn of youth, and gathering accumulated energy as it moves onwards towards maturity. But brilliant exceptions are frequently discovered, and men who have passed their youthful days in obscurity and compulsory idleness, as it regards the improvement of the mind, have emerged, at a protracted epoch of life, from the darkness which surrounded them, and exhibited the triumphs of genius over every obstacle which impedes its progress.

Such a man was John Penn, a member of that illustrious assembly which originated and perfected the charter of our Independence. Although the veil of oblivion is thrown over the particulars of his useful life, and few materials exist for the biographer, yet enough circumstances have been preserved to suggest a few reflections capable of invigorating the capacities more frequently planted by nature, than unfolded by cultivation.

He was born in the province of Virginia, and county of Caroline, on the seventeeth day of May, 1741, being the only child of Moses Penn, and Catharine, his wife, who was a daughter of John Taylor, of the same state and county. Mr. Penn grew up towards manhood in the family of his father, and, from a striking deficiency of parental attention, was neither sent to any of those seminaries in which a proper education could only be obtained, nor to acquire knowledge in the study of a profession. At the age of eighteen years, when his father died, he had merely received two or three years' instruction at a country school, where he rapidly acquired the little knowledge it could confer.

By the death of his father, in 1759, young Penn became his own guardian, and the sole manager of his patrimony, which was competent, but not large. If he had possessed any of those evil principles which so often spring from a neglected education, they would now have become manifest. Among all the snares and dangers which beset the path of the young and inexperienced, none are more efficacious, none more certain in their ruinous effects, than premature freedom of action, the loss of paternal direction, and the free possession of pecuniary means for administering to the violence of the passions, and maintaining the excitement of evil propensities. But the mind of Mr. Penn was cast in the mould of virtue; and if exclusion from the world had contracted his knowledge of men and things, it had also the beneficial effect of keeping him beyond the influence of pernicious examples.

At that period books were scarce, and the small collection of his father was without value; but young Penn, animated by an ardent desire to improve his understanding, availed himself of his vicinity to Edmund Pendleton, Esquire, who was a relative of the family. This extraordinary man, and accomplished lawyer, was one of the most distinguished statesmen of Virginia. He was appointed a member of the first congress in 1774, but in 1775, declined a re-election on account of the state of his health. He was, for many years, one of the judges of the court of appeals of Virginia, with Blair and Wythe, and was its president at the time of his death. In 1787 he was appointed president of the convention of Virginia, which met to consider the constitution of the United States, and all the weight of his talents and character aided its adoption. After the federal government was organized, he was, in 1789, appointed by Washington, district judge for Virginia, but he declined the office. In 1798, when the difficulties between the United States and France approached almost to a rupture, the venerable patriarch, as he is properly termed by Mr. Adams, published a pamphlet protesting against a war with a sister republic. He died at Richmond, on the twenty-sixth of October, 1803, in the eighty-third year of his age. In affording this brief sketch of the services of Edmund Pendleton, we have been guided by the recollection that sickness alone prevented him from holding a more conspicuous station in these pages.

The only library within the reach of young Penn, was that which belonged to his accomplished relative, and he was freely and liberally gratified with the use of it. Profiting, with unremitting industry, by this solitary advantage, he soon conceived the arduous idea of adopting the profession of the law.

This project, in a youth whose early days had been absolutely destitute of instruction, whose subsequent education had been so contracted, and whose existing advantages were restricted to the use of a library, with no other guide to his studies than his natural good sense, portrayed the character of a mind at once formed for triumph, and destined to elevate its possessor.

> "There be some sports are painful; but their labour
> Delight in them sets off;"

and the *laborum dulce lenimen* of Mr. Penn, in the progress of his studies, was the anticipation of future fame, and the bright prospect of celebrity which was opened to his view through the long vista of the law.

When he attained the age of twenty one years, he enjoyed the reward of his unceasing application in his favourite pursuit, by obtaining a license to become a practitioner of law. Possessing great genius and industry, he soon became eminent for his eloquence and skill, and suddenly began to reap the fruits of his professional labours and merit. To great fluency he added promptitude of mind, and, in appropriate cases, never failed to employ the pathetic with equal force and propriety. He has been frequently known to draw tears from a court and jury, while his own were suffused by the sympathy of his sensations. This is not the parade of panegyric, but a fact to which distinguished living witnesses can bear testimony.

His nearest relatives having removed to the province of North Carolina, Mr. Penn followed their example in the year 1774; and translated himself to new events, and to the study of new laws, with so much ease and celerity, that he immediately became as professionally eminent in that province as he had been in Virginia.

It could not be expected that the comprehensive mind of Mr. Penn was inattentive to the progress of the political storm, which, after the most gloomy portents, now threatened to burst over the country. Although the particulars of his early individual opposition are unknown, it is obvious, from his subsequent appointments, that he maintained a conspicuous character as the opponent of tyranny and oppression; and that his conduct, during the tumultuous scenes which preceded the revolution, excited the attention and admiration of his fellow-citizens. He was not, however, elected a delegate to the first congress, but, on the resignation of Mr. Casewell, he was appointed, on the eighth of September, 1775, to supply the vacancy, and took his seat, as the representative of North Carolina, on the twelfth of the following October. In the subsequent year he inscribed his name upon a record of wrongs and rights, and a monument of political wisdom and personal devotion, which secured to it a never-dying reputation. He was successively re-elected to congress in the years 1777, 1778, and 1779, and performed the duties of his station with promptitude and fidelity. Present, with few intermissions, during this long period, at the post of duty, he was extensively engaged in the current busisiness of the house, and zealously performed his portion of service, as a member of many important and secondary committees.

In the year 1780, a heavy gloom overspread the face of American affairs, from the total ruin and dispersion of the army under general Gates, at the battle of Camden. Nothing now prevented lord Cornwallis from proceeding on his long-projected expedition into North Carolina, but the want of supplies for the army, which were on their way from Charleston. In the mean time, emissaries were sent into that state, with instructions to the friends of the British government to take arms, and seize the most violent of their persecutors, with all the magazines and stores for the use of the Americans, under an assurance that the British army would march, without loss of time, to their support. The severe measures adopted by the enemy, in relation to the estates and persons of those who remained faithful to the American cause, had now caused an adherent to independence to be considered, in that portion of the country, as one who courted exile, poverty, and ruin. But, although many yielded to temptation or to fear, and broke through all the ties which bound them to their country, a great variety of illustrious sacrifices were made at the shrine of liberty.

At length, lord Cornwallis, on the eighth of September, began his march from Camden, proceeding through the settlement of Waxhaws to Charlotte-town, in the western part of North Carolina. When general Gates was defeated, and the enemy advanced into her territory, North Carolina, stunned by the blow, and almost defenceless, turned her eyes towards Mr. Penn, and invested him with powers, almost dictatorial. Authorised to seize or impress supplies, to reanimate resistance, and surrounded by discouraged friends, hopeless well-wishers, or inveterate foes, he had a task to perform, not less arduous than delicate, and not less distressing than indispensible. But nature had formed him for the effort: Indefatigable, cheerful, extremely conciliating in his manners, firm in his political principles, and invigorated by an inextinguishable ardour, he passed through the crisis with honour to himself, and satisfaction to the state;—having rendered services essential for the prosecution of the war where its pressure was most severe, and contributing materially towards the establishment of that independence, to the declaration of which he had affixed his signature.

The incursion of lord Cornwallis was short and disastrous. The speedy reduction of the whole province was confidently expected, but, as an English historian remarks, to confound human wisdom and set at nought the arrogance and presumption of man, unexpected incidents daily arise in the affairs of human life, which, conducted by an invisible hand, derange the best concerted schemes, as was exemplified in the event of the present expedition. The defeat of major Ferguson, who had advanced by another rout into North Carolina, at King's mountain; the fall of that officer, and the destruction, captivity, or dispersion of his whole corps, arrested the career of the British, and compelled lord Cornwallis, on the fourtenth of October, to retreat into South Carolina.

The return of peace found Mr. Penn in the station of a private citizen, possessed of sufficient property derived from his industry and patrimony; the latter, however, had been diminished, instead of increased, by the offices which he had filled. In that situation, blessed with a contented mind, and employed in discharging his private duties with innate benevolence, he passed the remainder of his life, which terminated in the month of September, 1788. He died in the forty-seventh year of his age. On the twenty-eighth of July, 1763, he was united to Susannah Lyme, and had three chrilden, two of whom died unmarried.

In the month of March, 1784, he accepted the office of receiver of taxes for the state of North Carolina, an appointment of high trust and honour, upon which the operations of the financier, to a certain degree, depended: hence it was made with great caution, and Mr. Morris deliberately selected the most upright and able individuals to aid his exertions in the collection of revenue. But the station was one of great perplexity, involving continual and unpleasant discussions with the local government, and subjecting the agent to the ill-effects of popular clamour, which universally attends the increase of taxation. The situation of the receiver was, therefore, peculiarly painful: urged, on the one hand, by the requisitions and necessities of the general government, as well as the incessant solicitations of the financier, for support in his gigantic efforts; and on the other, by his own patriotic feelings, and sense of official duty, he was compelled to be the organ of censure and complaint to the legislature of his state, and to brave the obloquy of his fellow-citizens. North Carolina, being one among the great majority of states, which, while it eagerly maintained the cause of independence by resolves and declamation, withheld the only substantial means by which it could be effected, Mr. Penn resolved to resign an office, which neither proved serviceable to the public nor to himself. On the fourth of April, 1784, he accordingly stated the reasons which influenced his resignation, to Mr. Morris, who acceded to the strength and justice of his representations.

It is at least doubtful, whether mankind may not derive as much edificaton from examples like the present, as from the spendour of military exploits, or even from the discoveries of philosophical research. They extend their benefits to more individuals and excite more useful qualities, than a victory or the solution of a problem; and they create a great number of citizens, unactuated by ambition, depending on their own industry, and ready to serve their country from the best motives. They teach individuals, instead of despairing of their talents, to search their minds for that divine spark, which may enlighten them in efforts to make competence compatible with honesty, and patriotism with moderation; and they ascertain a fact of great importance to society,—that in all efforts for the acquirement or preservation of a free form of government, it is an error fatal to either end, and productive of the very evils intended to be removed, to suppose that mankind must be indebted for liberty to the talents and services of a few. A monopoly of merit, in such occurrences, is not less unfriendly to a just and equal government, than unfounded in fact; and yet this erroneous idea has frequently consigned nations, after having struggled through innumerable difficulties to achieve their own happiness, into the hands of avarice and ambition. To explode a doctrine which is not made true by being specious, nor harmless by its mischiefs, can only be effected by recording services, often more useful though less famous than those actions which historians seem to have selected, not because they shed upon mankind more happiness, but because they afford to composition more embellishments.

WILSON.

JAMES WILSON, who holds a conspicuous station in the annals of Pennsylvania, and of America, was born in the Lowlands of Scotland. His family was respectable, but not wealthy, and resided in the neighbourhood of St. Andrews, formerly the metropolis of the Pictish kingdom, and celebrated for its university, founded in 1411. His father was a reputable farmer, and a man of character: that he was in good circumstances, appears probable, from the education given to his son; but he is said to have injured his affairs by the same passion for speculation which that son unfortunately inherited. After the death of his father, his mother again married, and must have been in straightened circumstances, as Mr. Wilson frequently sent her percuniary aid from this country, even when he was himself much embarrassed.

Mr. Wilson received an excellent classical education. After leaving the grammar school, he studied at Glasgow and Edinburgh, and previously, for a short period, at St. Andrews. It was under the tuition of the famous Dr. Blair, in rhetoric, and of the not less celebrated Dr. Watts, in rhetoric and logic, that he laid the foundation of the celebrity which he subsequently acquired, as a powerful orator, and almost irrisistible logician. His youthful character was correct and praise-worthy.

Soon after the completion of his education, and without selecting or embracing any profession, he resolved to emigrate to America, and endeavour, by the exercise of the talents, industry, and integrity, which he amply possessed, to realize, in a new country, that independence which his own could not afford. He arrived at New York in about the twenty-first year of his age, bringing with him an excellent classical and scientific education, and attainments especially conspicuous in history and natural law. In the beginning of the year 1766 he reached Philadelphia, with highly recommendatory letters to gentlemen of that city, one of whom was Dr. Richard Peters, rector of Christ and St. Peter's churches, by whom he was particularly patronised, and introduced as an usher into the Philadelphia college and academy. Dr. Peters had been the secretary of the province, and, during forty years, the confidential friend and agent of the proprietaries. He was an original trustee of the college and academy, and being a man of learning, and zealous in its cause, was a competent judge of the capacity of any person presenting himself as a tutor, or professor. Mr. Wilson was considered by the trustee, before whom he was examined, as the best classical scholar who had offered as a tutor in the Latin department of the college.

In this office he only remained a few months; when, through the instrumentality of his early, familiar, and constant friends, bishop White and judge Peters, he obtained the situation of student of law, in the office of Mr. John Dickinson. The funds necessary to accomplish this object, and for maintenance during the prosecution of his studies, consisted of money taken on interest, by the mortgage of a farm which he purchased from his relative, Mr. Annan, a seceding minister, who, it is said, received satisfaction for the property, by assurances made good in Scotland.

After two years ardent application to the study of his profession, Mr. Wilson first settled in Reading, but soon removed to Carlisle, where he became an eminent counsellor at law, and obtained considerable practice, previous to the revolutionary struggle. He afterwards went to Annapolis, in Maryland, and after remaining there one year, removed to Philadelphia, in 1778, where he continued to reside during the remainder of his life.

At an early period of his profession an incident occurred which gave him great consequence in the eyes of the first gentlemen of the provincial bar. There came on for trial, in one of the county courts, a cause of great expectation between the proprietaries of Pennsylvania and Mr. Samuel Wallace, a well known dealer in lands. Mr. Wilson was one of the counsel to the latter, and Mr. Chew, then attorney-general, appeared for the proprietaries. It drew the attention of all present, that Mr. Wilson had not spoken long before Mr. Chew fixed his eyes on him with intense interest, and continued in that act to the end of the argument. When he had concluded, the counsel on the same side of the question went aside and deliberated whether it would be expedient to add to what had already been submitted by their colleague, who had spoken first. This was determined in the negative. One of the gentlemen was Joseph Reed, esquire. Before the close of the session of the court he was retained in another proprietary cause; and his standing at the bar was henceforward lofty, firm, and unalterable.

At a time when universal agitation prevailed amongst all classes of society, with respect to the disputes existing between Great Britain and her North American colonies, and when the minds of those best qualified, by nature and education, to enter on the subject, were intensely excited by patriotic resentments and gloomy anticipations, it was not to be expected that Mr. Wilson would remain an idle spectator of passing events. The moment he landed on our shores, he had claimed for himself a new country: he was an American in principle, if not by birth. He commenced his political career as soon as the British government began their oppressions. He wrote and published many able and luminous essays in favour of the rights of America, and never swerved from his attachment to our cause. He was always republican in his principles, but, wishing to restrain the wildness of political demagogues, he experienced a large portion of their malice, and many slanderous charges were afterwards propagated against him for party purposes.

Mr. Wilson was a member of the provincial convention of Pennsylvania, which met early in the summer of 1774, a few months previous to the meeting of the first general congress. During its session, his talents and political science became known throughout the city of Philadelphia, and it being understood that the assembly, at its first meeting, would appoint delegates to congress, the convention recommended that Mr. Dickinson and Mr. Wilson should be among the number. This recommendation was rejected;—a measure ascribed to the influence of the speaker, Mr. Galloway, who had been long at enmity with Mr. Dickinson, and who had differed from both of them in political sentiments.

When military movements were first made, Mr. Wilson, then resident in Carlisle, was chosen colonel of a regiment of militia, raised in the county of Cumberland. He acted in that capacity when occasions demanded his services, and the public stores and magazines in Carlisle were committed to his charge; but he was never in active service, owing, probably, to his very frequent civil appointments. He was, also, a commissioner to treat with the Indians, a duty which he executed successfully.

Notwithstanding the opposition which Mr. Wilson had encountered, when proposed as a delegate to the first continental congress, which met in September, 1774, he was, on the sixth of May, 1775, together with Benjamin Franklin and Thomas Willing, added to the Pennsylvania delegation, by the unanimous voice of the assembly, and accordingly took his seat in the second congress, which met at Philadelphia, on the tenth of May, 1775. To this honourable and distinguished station he was successively re-appointed, on the third of November, 1775,—the twentieth of July, 1776,—and the tenth of March, 1777.

At a meeting of the general assembly, held on the fourteenth of September, 1777, the house resumed the consideration of the choosing new delegates to serve the state in congress, when it was resolved, that new delegates "be immediately elected instead of Jonathan B. Smith, esquire, who has resigned, and of James Wilson and George Clymer, esquires, *who are hereby superseded.*" Their places were accordingly supplied by Joseph Reed, William Clingan, and Dr. Samuel Duffield. Thus early did the spirit of party deprive our country of the active services of its best and most efficient advocates. So early as the month of January preceding, Mr. Wilson was apprised by his friend, Robert Morris, of the plan in agitation to remove him from office. In a letter, dated the thirty-first of that month, Mr. Morris makes the following remarks: "I am told our assembly do not intend you shall be in the new list of delegates. I am too busy to attend, or I would contest the matter warmly; although I well know, that the honesty, merits and ability, which you possess in so eminent a degree, would not be sufficient pleas against the previous determination of a strong party; for that, I am told, is the case.—However, you will enjoy your family and friends at home, if you are deprived of the opportunity of continuing those services to your country, which she so much needs, and which, if I mistake not, she will feel the want of, until better men in better times, shall call you forth again."—Thus, in consequence of the ascendency of the party opposed to him, Mr. Wilson retired, for a season, from public life.

But his talents were too splendid and useful, to be permitted long to remain in political obscurity; and in the year 1782, he received the most distinguished evidences, that consistency and integrity will finally prevail over the machinations of faction. On the twelfth of November, of that year, he was re-elected to congress, and took his seat in that body, on the second of January, 1783. In the preceding month of June, he was appointed by the president and supreme executive council, in conjunction with William Bradford, junior, Joseph Reed, and Jonathan D. Sergeant, esquires, a counsellor and agent for Pennsylvania, in the controversy subsisting between that state and Connecticut, relative to the settlement at Wyoming. The court of commissioners appointed to hear, and finally determine this important dispute, was held at Trenton, on the twelfth of November, 1782, and on the thirtieth of December, pronounced their unanimous opinion, that the state of Connecticut had no right to the lands in controversy, and that the jurisdiction and pre-emption of all the territory lying within the charter boundary of Pennsylvania, and then claimed by the state of Connecticut, did of right belong to the state of Pennsylvania. The successful result of this cause, may, in some degree, be attributed to the luminous and learned argument of Mr. Wilson, the delivery of which occupied several days. He was again appointed a delegate to congress, on the seventh of April, 1785, and attended on the twenty-sixth of the same month; and, finally, on the eleventh of the suceeeding month of November, resuming his honourable station, on the twenty-second of March, 1786.

During the period of his absence from the great national council, he received frequent marks of the unabated confidence reposed in him, by those who were elevated above the influence of state, or party feuds. On the fifth of June, 1779, M. Gerard, minister plenipotentiary of France, appointed Mr. Wilson advocate general of the French nation, in the United States. "The daily discussions," says the commission, "which arise in the different parts of United America, relative to commerce and navigation, and the establishment of fixed regulations on those subjects, forming an object of great labour and importance, which can only be confided to a person versed in the laws, and internal administration of America, as well as in the rights of man, and the general usages of commerce; and the experience and talents, of which Mr. James Wilson has afforded so many brilliant proofs, making him worthy of this nomination, we hereby appoint and constitute him, subject to the good pleasure of the king, and until his decision be known, advocate general of the French nation, in the thirteen United States." The French minister notified congress of this appointment, on the fifteenth of September, 1779, and on the eighteenth of February, 1781, the king of France issued letters-patent confirming it under his hand, "in consideration of the zeal and attachment which he had, on various occasions, shown towards the subjects of his majesty."

The attention of Mr. Wilson was, for some time, closely directed to the arduous duties of this office, and in forming plans relative to the commercial connexions of the United States with France. These duties were of very great extent and importance; and attended with no small degree of difficulty and delicacy. By the treaty of commerce between France and the United States, the functions of consuls, vice-consuls, agents, and commissaries, were to be regulated by a particular agreement; and it became the duty of the advocate general to draw the sketch of a plan for this agreement, on the part of France. In other countries, usage and rules previously established, greatly assisted in ascertaining the functions, powers, and privileges of public officers: but, in the United States, every thing of that nature was new and unprecedented. "I fancy myself," said Mr. Wilson, "in the situation of a planter, who undertakes to settle and cultivate a farm in the woods, where there has not been one tree cut down, nor a single improvement made."—While the colonies were dependent on the crown of Great Britain, it was the policy of that nation to confine their commerce to herself; and their trade and navigation were regulated by the laws of England. But a very different, and a much nobler prospect, unfolded itself to the view, when Mr. Wilson entered on the duties of his office. The arrangements of commerce would necessarily expand with their objects; and those respecting the trade with France made a capital figure in the general system. In order to model and digest them, as the magnitude of the subject required, it was necessary accurately to know and to compare the laws of nations, the laws of France, and the laws, customs, and interior police of the United States. From such comparison, a system of regulations, accommodated, as far as practicable, to the maxims, manners, and views of both nations, would naturally be formed. "A close study of the laws of England," he remarks in a letter to Mr. Holker, on this subject, "and of this country, for upwards of thirteen years, and an extensive practice during the greatest part of that period, entitle me to say, that I am not altogether unacquainted with them. I have given attention to the laws of nations. Since I have been honoured with the nomination to be advocate general, I have directed my studies to the laws and ordinances of France; but I am very deficient in the knowledge of them. Nothing but intense application, for a considerable time, can make me so much master of them, as to do justice to the office, or to derive reputation from it to myself. As the trade of France, with the United States, shall increase, the number of processes, in which the kingdom will be interested, and of cases in which law opinions must be given, will increase in proportion. To give a safe opinion upon any particular point, however simple, or detached it may appear, requires a general knowledge of the laws, from which it ought to be deduced. It is obvious, that I must relinquish a very great share of my practise, (which you know to be valuable, and which cannot be soon, or easily regained, after it is once given up) and must render that, to which I shall confine myself, entirely subordinate to the discharge of my office."—In accordance with his duty, Mr. Wilson, in the beginning of 1780, submitted to the minister plenipotentiary, for his inspection, and transmission to France, a draught of a general plan concerning the function of consuls, and the jurisdiction and proceedings of courts, in commercial causes, in which the subjects of that country were parties. "It has many imperfections," said he; "but imperfect as it is, it has cost me much time and thought. In a performance of this kind, the labour appears less from what is adopted, than from what is, upon reflection, laid aside."—It was stipulated by Mr. Wilson with M. Gerard, on his acceptance of the office, that an annual salary should be annexed to it; and upon that principle, the nomination, which would otherwise have been refused, was accepted. This contract was extremely just, as an equivalent for the necessary abandonment of a large portion of his lucrative practice. Moreover, he declared, that he would never consent to transact such business, as the minister, or consuls, of France might choose to lay before him, keep an account of it, and make a charge for the several services. He maintained, that it would place him under the obligation of acquiring the knowledge necessary for the discharge of his office, and under the inconvenience of holding himself always ready at the call of the ministers and consuls, and at the same time, would leave it wholly in their power, whether he should derive any or no advantage from his studies and attention. "It would, in other respects," said he, in a letter to M. Gerard, "reduce me to a degree of dependence, to which I will not submit. You know my sentiment from the beginning, was, that my salary and my commissions should be dependent only on the king. If I was to accept of the office on terms less sure and respectable, I should think myself unworthy of the trust involved in it; and could not expect to render that service, of which I should otherwise be capable."—After a long, and on the part of France, a shuffling, correspondence on the subject, the duke De Luzerne informed Mr. Wilson, in April, 1782, that the king did not intend to attach an annual salary to the office of advocate general of the nation. This violation of the original compact, decided the proper course to be pursued: He immediately addressed a letter to the French minister, in which he stated that he would not have accepted the office, but upon the terms that a salary should be annexed to it; that as it was determined that such should not be the case, he could no longer divert so much of his study and attention from the practice of the law, as he had done for a considerable time." "But sir," he continues, "I am a citizen of the United States, and feel what I owe to France. While the king is making such generous, and such expensive efforts in behalf of my country, every service, of which my situation and circumstances will admit, is due to him. With the greatest cheerfulness, therefore, I will, during the war, give my best advice and assistance, in the line of my profession and practice, concerning such matters as the ministers and consuls of France will do me the honour of laying before me."—Finally, after several years of labour, Mr. Wilson received from his most christian majesty, in November, 1783, the princely remuneration of—ten thousand livres.

Congress also appointed him, on the thirty-first of December, 1781, during his absence from that body, one of the directors of the bank of North America, planned by Mr. Morris for the purpose of supporting the finances of the United States.

Whilst Mr. Wilson was in congress, he was considered as one of its ablest members, and was, perhaps, more engaged in the business of committees, than any of his colleagues. His political standing was deservedly high, and he was always listened to with respectful attention. He particularly distinguished himself in all those weighty questions, which were agitated in that important crisis, when the settlement of our affairs, both civil and military, commanded the most serious and anxious attention. In June, 1775, he was of the committee which prepared an eloquent and nervous appeal to the assembly of Jamaica; and in July, of the same year, when the Indians were divided into three departments, the northern, middle, and southern, and commissioners appointed by congress, to superintend Indian affairs in behalf of the colonies, he was elected a commissioner for the middle department. He was also a member of the several committees, to take into consideration the state of the colonies, and report what number of forces would be necessary for their defence;—to prepare a letter to the inhabitants of Canada;—to prepare an address to the united colonies;—to take into consideration the state of the Indians in the middle department;—to consider on the most speedy and effectual means for supporting the American cause in Canada;—to confer with general Washington, and concert a plan of military operations;—to devise ways and means for supplying the treasury;—to form an effectual plan for suppressing the internal enemies of America;—to devise and execute measures for effectually reinforcing general Washington, and obstructing the progress of general Howe's army;—to take into consideration the state of the army;—to explain to the several states, the reasons which induced congress to enlarge the powers of general Washington;—to consider what steps were necessary to be taken, should the enemy attempt to penetrate through New Jersey, or to attack Philadelphia;—to devise a plan for encouraging the Hessians, and other foreigners, employed by the king of Great Britain, and sent to America for the purpose of subjecting the states, to quit that iniquitous service; &c. &c. &c. He was a member of the standing committee for Indian affairs, and of the standing committee appointed to hear and determine upon appeals brought against sentences passed on libels, in the courts of admiralty in their respective states. He was also attached to the first board of war. In fact, no member was more frequently called upon to exert his talents, and no member exhibited more industry, capacity, and perseverance, in obeying the calls of duty, than James Wilson.

But, notwithstanding his unceasing exertions in the cause of this country, Mr. Wilson became the object, and as we have shown, for a season, the victim, of political intemperance. But, like the mammoth of the lakes, he opposed a dauntless front to the storm, and shook off the shafts that were hurled for his destruction.—The principal charge on which his enemies depended for success, was his opposition to the Declaration of Independence. This accusation requires a particular examination; and its refutation will, at the same time, serve to exhibit, in its true light, the pure patriotism by which all the proceedings of Mr. Wilson were guided during the tempestuous scenes of the revolution. The following extract of a letter from one Robert Whitehill to George Stevenson, written on the tenth of June, 1776, affords a fair exemplar of the nature and quality of the assaults made, at that important period, on the reputation of Mr. Wilson:—"My feelings for myself, and the peace and safety of my distressed country, call me out to the unpleasing discovery I must at last make to you, of what I have too long concealed from you. I shall proceed to inform you, that a gentleman in Philadelphia, asked a delegate of congress, eighth June, how the debates on independence prospered in congress? Go, said he, and ask your friends Dickinson and Wilson;—with indignation you may think. The gentleman, ninth June, asked another delegate, how colonel Wilson behaved in congress on the debate about independence, and was answered, 'colonel Wilson formally complained of being bound by instructions contrary to his judgment: I expected yesterday,' said he, 'to have heard him alter his tone, as his instructions were rescinded. But I must say no more. I will never trust a Scotchman again. They cannot be honest when liberty is in question. Your conference of committees must appoint new delegates, or your province will be ruined. I heard, sir, a speech from Dickinson, in the house, seventh June, which confirms me in opinion, that we are sold by our delegates. He pledged himself to his honour Mr. Allen, and the house, that he, with the other delegates of this colony, would vote against independence at all events.'—I leave you, sir, to make your own comments on the foregoing; and desire, for my country's sake, you will inform your acquaintance of what I have here communicated to you, and if the people are still unbelieving, I can prove it so far as I have gone; and our friend in congress from your county, must be better known yet. Mr. Miller is much to blame for his conduct before the last election; he certainly knew of Wilson's charge, or rather the charge against Wilson, being too well founded; as I am exceedingly well informed, by a certain gentleman, who used freedom with Mr. Miller on the occasion, that he might undeceive him before the election, as said gentleman was afraid of Wilson being chosen a representative, and was desirous to prevent it if possible."

Now, in lieu of 'a gentleman,' 'a delegate,' 'the gentleman,' 'another delegate, 'our friend,' 'a certain gentleman,' and 'said gentleman,' who, together with Mr. Robert Whitehill, constitute the credible and well defined witnesses against the political integrity of Mr. Wilson, we have it in our power to produce, under their proper names, such evidences as will not only prove the falsity of the letter, but put the question with regard to Mr. Wilson's conduct, touching the Declaration of Independence, forever at rest. The right rev. bishop White, in answer to the question, "Whether Mr. Wilson was opposed to Independence?" replied: "Doubtless, Mr. Wilson voted for independence, although his being reconciled to the measure, as was the case with the best men, finally favouring it, was gradual, and as was made necessary by existing circumstances. From the political character of the writer of the letter, I suppose him to have been one of those who would have been mortified by any measure of Great Britain, that might have eventuated in an honourable reconciliation." "I do not hesitate to say," says the honourable judge Peters, "that this letter contains a base slander, propagated for party purposes. Mr. Wilson never was opposed to our independence, when, like many others of the best friends to our country, he found it inevitably necessary. The time and manner created some differences of opinions, but the measure, when adopted, had universal approbation;—I mean of the *whigs*, however divided in local and subordinate matters." Governor M'Kean, in a letter to Alexander James Dallas, Esq. relative to the declaration of independence, observes, "The delegates for Pennsylvania, who voted in the negative, were John Dickinson, Robert Morris, Charles Humphreys, and Thomas Willing, Esqrs. those in the affirmative, were John Morton, Benjamin Franklin, and James Wilson, Esqrs." Judge Duncan states it as "an undoubted fact, that on the first question concerning independence, the only delegates of Pennsylvania for it, were Mr. Wilson and Mr. Morton, although others of them concurred afterwards."

The history of the rise and progress of that important measure is simply this: A declaration of independence was scarcely spoken of until about eight or nine months previous to the fourth of July, 1776; and would have been impracticable had healing measures been adopted in parliament in the preceding winter. In proportion as the designs of that body became developed, the minds of the best friends of the country were awakened to the unwelcome fact that there remained no middle course between independence and unconditional submission. It is evident, that in such a posture of affairs, some must have been earlier, and some later, in their convictions, before the crisis calling for determination. Hence, even if Mr. Wilson were to be classed with the latter, (with Morris, Dickinson, Read, and other eminent men,) it would be no impeachment of his patriotism: on the contrary, in the estimation of prudent men, it might have made him more to be relied on.—The first motion respecting independence, was made on the seventh of June, 1776, and the consideration of it referred till the next day, when congress resolved itself into a committee of the whole, and after taking the matter into consideration, it was again postponed until Monday, the tenth of June. Nothing appears indicative of the sense of congress, before that day. The ninth of June, being Sunday, the house did not meet. Now the eighth and ninth, are the days noticed in Whitehill's letter as having sealed the political apostacy of Mr. Wilson. In any case, it is evident to the unbiassed observer, that the vote of any member, on the question of reference to a day so near, could not have been decisive of his sense as to the projected measure: he might have thought, in a matter of so much importance, that a longer postponement was eligible; and this, of itself, would have been sufficient for his condemnation in the opinion of an enragé.—On the tenth, congress resolved, "That these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved." The consideration of this resolution was postponed to the first day of July; and, in the mean while, that no time might be lost, in case congress should agree thereto, a committee was appointed to prepare a synonymous declaration. This committee consisted of Messrs. Jefferson, J. Adams, Franklin, Sherman, and R. R. Livingston.—On Monday, the first of July, the question was taken in a committee of the whole. All the states voted in favour of the declaration excepting Pennsylvania and Delaware. We have already stated the majority of four to three, among the delegates from the former state. Delaware was divided: Thomas M'Kean was in favour of, and George Read opposed to, the measure. The report of a declaration was postponed, from day to day, till the fourth of July. It was a rainy day, and Messrs. Morris and Dickinson were absent: hence the vote of Pennsylvania was given in favour of independence, Messrs. Wilson, Franklin and

Morton, being in the affirmative, and Messrs. Humphreys and Willing in the negative. The opportune arrival of Cæsar Rodney, esquire, from Delaware, for whom an express had been despatched by Mr. M'Kean, and who voted for Independence, secured the support of that state; so that, on that day, there was an unanimous vote of the thirteen colonies in its favour. Unanimity, a very important point, was thus obtained: the dissension of a single state might have produced dangerous consequences.—It may be proper, in this place, to notice a fact not generally known. In the printed public journal of congress for 1776, it would appear that the Declaration of Independence was signed on the fourth of July, by the members whose names are there inserted. But such was not the case: no person signed it on that day, nor for many days after; and among the names subscribed, one was opposed to it, and seven were not in congress at the time; while the names of Thomas M'Kean, of Delaware, and Henry Wisner, of New York, are not printed as subscribers, although both were present, and voted for independence.

Thus, in the whole course of the proceedings of which we have any knowledge, we find that Mr. Wilson uniformly voted in favour of independence; on the first of July, in opposition to the majority of his colleagues, and on the fourth, in the majority. But many sincere whigs considered a separation from the mother country, at that time, as one of the greatest evils that could befall us. Of this class was Mr. John Dickinson, who was always timid and hesitating, though sincerely attached to our cause. Mr. Wilson, who was bold and decided, could only have been coupled with him, in the excommunication of Whitehill, to serve party or personal purposes. Dickinson was a prominent man: by his Farmer's Letters, he had acquired a high reputation, both for patriotism and ability; but being a disapprover of independence, he fell under a cloud, which obscured him all the war, and even involved him in the suspicion of disaffection.—The writer of the letter, accusing Mr. Wilson of the blackest corruption, belonged to a junto of certain violent politicians, who intemperately pressed the measure of independence before the public mind, either in or out of congress, was prepared for it. The demagogues of that day, were opposed to bridling and breaking popular extravagancies; and of course, to all who wished a well-regulated, popular, government. One of them was heard to say, by a venerable survivor of the revolution, that "men of education and learning should have no rule, in a democratic system; they always did mischief, by introducing checks on the natural impulses of the people." One Cannon, whose occupation was that of a school-master, who was very much of a pedagogue, and who was confederated with Whitehill and his fraternity, abused, in addressing a public meeting of a mixed complexion, "all learning, as an artificial constraint on the human understanding:—he had done with it;—and advised our sovereign lords, the people, to choose no *lawyers*, or other professional characters, called educated, or learned;—but to select men, uneducated, with unsophisticated understandings. *He* should be glad to forget the *trumpery* which had occupied so much of his life."—We may now judge to what lengths those who deluded the mass of the people, carried their disgusting and mischievous hypocrisies; as well as the reason why Mr. Robert Whitehill wished Mr. Wilson removed from popular favour. But the actors in those disgraceful scenes have passed away from the memory of man, like the Chinese shades in a show-box, while the names and virtues of the calumniated, shall descend to posterity, as imperishable as the record of their country's independence.

Towards the close of the year 1777, a combination was formed against the commander-in-chief, in which several members of congress, and a very few of the officers of the army, are believed to have entered. The splendour with which the late capitulation of Saratoga had surrounded the military reputation of general Gates, acquired some advocates for the opinion, that the arms of America would be more fortunate, if that gentleman should be elevated to the supreme command; and some parts of the conduct of that officer showed, that if this opinion did not originate with him, he was not among the last to adopt it. He carried on a correspondence with general Conway, one of the most malignant partizans of the cabal, and pronounced by Washington to have been "a dangerous incendiary," in which the French officer observed, "heaven has been determined to save your country, or a weak general, and bad counsellors, would have ruined it." At the same time, the legislature of Pennsylvania, chagrined at losing its capital, remonstrated against the intention of general Washington' to move into winter-quarters, in terms very intelligibly manifesting their dissatisfaction with the commander-in-chief; a new and unfriendly board of war was created, of which general Gates, his rival, (if such a term be not heretical,) was appointed the president; his calumniator, general Conway, was made inspector-general, and elevated above brigadiers older than himself, to the rank of major-general; and attempts were made, by anonymous communications, to alienate the affections of the leading political characters in the states, from the commander-in-chief.—But it was impossible to loosen the hold which he had taken, of the affections and confidence of the army, and of the nation. No better evidence of its strength can be given, than the indignation with which the idea of such a change was received, even by the victorious troops, who had fought and conquered under Gates. Even the northern army clung to Washington, as the saviour of their country; and fortunately for America, the only effect of these combinations was to excite a great degree of resentment, which was directed entirely against those believed to be engaged in them. General Gates fell under a cloud, whose obscurity was heightened by the disastrous battle of Camden; and major general Conway, after having exhibited conspicuous proofs of his cowardice at the battle of Germantown, by seeking refuge in a farm-house, and refusing to join his brigade which was engaged with the enemy, entertaining no hope of being called on to exercise the functions of his new office of inspector general, and finding his situation in the army as uncomfortable as the scorn of houourable men could render it, tendered the resignation of his commission to congress, on the twenty-eighth of April, 1778, which was accepted with the dissenting vote of Virginia alone. After his resignation, he frequently indulged in expressions, manifesting the hostility of his temper to the commander-in-chief;—challenged general Cadwalader, with whom he had some altercation;—received a wound, for some time believed to be mortal;—and, despairing of recovery, and considering himself on the bed of death, made all the atonement in his power to the great man whom he had vainly endeavoured to defame, by a solemn recantation of his former opinions. He, however, recovered, and soon after went to France.

From the commencement of the revolution to the termination of his life, an event which occurred about a year before the death of general Washington, Mr. Wilson was considered by all those who knew him best, as one of the most decided friends, and enthusiastic admirers, of that illustrious man. Great then, was the astonishment of his surviving relatives, and friends, and of all those who had been taught to form a different opinion of the political character of Mr. Wilson, to find, from the following paragraphs in the "Life of general Greene," published in 1822, the first intimation that he was attached to the cabal opposed to general Washington, in 1777 and 1778. "Yet certain it is, that at that time, he (Washington,) had enemies; and among them were ranked Samuel Adams; the Lees of Virginia, *Wilson of Pennsylvania,* and some minor characters." (*vol. i, p.* 154.) "The ascendency of such men as Samuel Adams and Richard Henry Lee could not but be felt; and Mifflin and *Wilson, leading men in Pennsylvania,* were both *avowedly hostile* to him." (*Ibid. p.* 166.)

This charge is wholly unfounded. We contemplate, with indignation, all attempts to affix stains on the reputation of the worthy men who, in the several capacities in which they were engaged, achieved the great event on which are founded all the prosperity and happiness of our country. Passions and prejudices, both personal and local, they certainly possessed,—for they were men; but they may be safely acquitted of any charge of indulging such prejudices or passions, when the great object in view required the sacrifice of private disagreements, or personal jealousies. So far as these observations apply to Mr. Wilson, he was as much exempted from personal animosities as any of his co-agents in the revolutionary struggle. There is a pernicious vanity in some historiographers, which excites them to rake up wonderful discoveries, both in relation to persons and circumstances, by which they expect to distinguish themselves. Mr. Wilson had enemies, as well as many others who were prominent in our revolutionary war. By some of these, or from documentary misrepresentations, the false imputation on his character, adopted by Judge Johnson, (the author of the book) was probably promulgated. Is it not absurd to suppose that Mr. Wilson could have been "avowedly hostile" to general Washington, and yet that this should be unknown even to his most intimate friends? Can we attach credit to the charge, when those friends, without exception, always believed him to be an uniform and sincere admirer of the general?—Besides, Mr. Wilson was not, at the period referred to, in public life, but pursuing his professional duties at Carlisle. Nor, with a single exception, was he on terms of intimacy with those supposed to be engaged in the combination against the commander-in-chief: with some of them, indeed, he was on terms very far from friendly or intimate. "I know the charge," said the honourable Richard Peters, "to be groundless and utterly false. I have had numberless conversations with him on our public men, and public measures, in all the stages both of our difficulties and triumphs. He was always the eulogist and admirer of general Washington; and indignantly affected when any thing was said or done, to sully his character or conduct. So far from being a leader of malcontents on this subject, I know he sincerely and warmly reprobated the jealousies and discontents of some who disgraced themselves by indulging them. The anti-Wasingtonian malignities by which they exposed themselves, were offensive to every liberal mind; and to none more than to Mr. Wilson. Strange then, that he should be charged with being a *leader* in a junto, whose sentiments he despised." If general Washington entertained an opinion that he was one of the faction which laboured to injure the cause by depriving him of his rank, would he have created him one of the first associate judges of the supreme court, appointed under the federal constitution? Or would he, as was the case, have unhesitatingly overruled the intention expressed by his nephew, the honourable Bushrod Washington, of not entering the office of Mr. Wilson for the purpose of prosecuting his legal studies, by arguments strongly indicating the high opinion he entertained of him.*

We have entered on this subject, to do justice to one who stood high in the councils of his country, and in the esteem and confidence of his fellow-citizens: we desired, in the same public manner in which it was advanced, to clear his character from a censure, which was entirely unmerited. We cannot believe that judge Johnson designedly misrepresented his character and principles, however we may regret the incorrect information on which his statement was founded: nor is it to be forgotten that had not some near, and deeply interested relative been living, the imputation might have descended to posterity, a lasting blemish on the character of Mr. Wilson. The prompt and feeling manner in which the author expressed his regret for the error which he had committed, and the immediate means which he employed to correct it, are the best proofs of his desire to atone for the inadvertency into which he was led.*

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* Vide Appendix.

In the year 1779, the lives of Mr. Wilson and many of his friends, were put in extreme hazard by a band of heated partizans, under the pretext of his holding sentiments inimical to popular institutions. By that time, party spirit in Pennsylvania, had taken a consistency, and the politicians were divided into constitutionalists and republicans. The first rallied round the constitution already formed, which was reprobated by the others, for its total deficiency in checks, and counterbalancing powers, thence tending, as it was alleged, to rash, precipitate, and oppressive, proceedings: the term *republicans,* was embraced, as recognizing the principles of the revolution, and as indicative, perhaps, of tenets, which admitted the utility of modifications and restraints, in a system resting upon the broad basis of general suffrage and popular sovereignty. Mr. Wilson was one of the leading men of the republican party, who agreed that they would not accept of any office or appointment under the constitution, which, in that case, they would be bound, by an oath, to support. This circumstance offended, and inflamed, the constitutional party, and with other exciting causes, however unjust, led to the outrage which we are about to record. The consequences of a rapidly depreciating currency, were very distressing to many, who were incapable of tracing them to their cause: for example, every tradesman who had engaged in a piece of work, felt, when paid for it, that he did not receive, except in name, what he had contracted for. Artful and designing incendiaries had the address to persuade many of the sufferers, that the evil was owing to the merchants, who monopolised the goods; and to certain lawyers, who rescued the tories from punishment, by pleading for them in court.—Mr. Wilson had become particularly obnoxious. Sydney and Russel, were uniformly celebrated as patriots, until the advocates of arbitray power held them up as pensioners to France. He was charged, in his professional character, with defending and patronising tories, and befriending the foes to the principles on which the opposition to the arbitrary claims of the British adminstration was founded. Yet, he was, in fact, a most decided friend of a popular government, and mainly assisted in every measure calculated for its establishment. The affair of "fort Wilson," as his house was thereafter denominated, flowed from this mistaken opinion, of which those who concocted that disgraceful transaction, took advantage, for party purposes.

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* Vide Appendix.

About the middle of September, 1779, a committee, appointed at a town meeting, regulated the prices of rum, salt, sugar, coffee, flour, &c. a measure which was stongly opposed by the importers. Robert Morris, Blair M'Clenachan, John Willcocks, and a number of other staunch whigs, had a quantity of these articles in their stores, which they refused to dispose of, at the regulated prices. About the last of the month, a great number of the lower class from the city and liberties, collected, and marched through the city, threatening to break open the stores, distribute the goods, and punish those who refused to open their warehouses. On the morning of the fourth of October, placards were posted, menacing Robert Morris, Blair M'Clenachan, and many others: Mr. Wilson was proscribed by the mobility, for having exercised his professional duty as a lawyer, in behalf of certain persons who had been prosecuted for treason; and the punishment decreed for his crime, was banishment to the enemy, yet in New York. But this was not the real cause which produced so lamentable an instance of popular delusion: *that* was to be found in the superior talents and respectability of the republican party.

The gentlemen threatened, determined to defend themselves, and with a number of their friends, to the amount of about thirty or forty, took post at the south-west corner of Walnut and Third streets, in a house belonging to, and occupied by Mr. Wilson: it was then a large, old fashioned, brick building, with an extensive garden on Third, and on Walnut streets. Among those in the house, were Messrs. Wilson, Morris, Burd, George Clymer, Daniel Clymer, John T. Mifflin, Allen M'Lean, Sharp Delaney, George Campbell, Paul Beck, Thomas Lawrence, Andrew Robinson, John Potts, Samuel C. Morris, captain Campbell, and generals Mifflin, Nichols, and Thomson. They were provided with arms, but their stock of ammunition was very small. While the mob was marching down, general Nichols, and Daniel Clymer, proceeded hastily to the arsenal, at Carpenter's Hall, and filled their pockets with cartridges: this constituted their whole supply.

In the mean time, the mob and militia, for no regular troops took part in the riot, assembled on the commons, while a meeting of the principal citizens took place, at the coffee-house. A deputation was sent to endeavour to prevail on them to disperse, but without effect. The first troop of city cavalry, being apprised of what was going forward, and anxious for the safety of their fellow-citizens, assembled at their stables, a fixed place of rendezvous, and agreed to have their horses saddled, and ready to mount, at a moment's warning. Notice was to be given to as many members as could be found; and a part was to assemble in Dock, below Second, streets, and join the party at the stables. For a time a deceitful calm prevailed: at the hour of dinner, the members of the troop retired to their respective homes, and the rebels seized the opportunity to march into the city. The armed men amounted to two hundred, and were commanded by Mills, a North Carolina captain; Faulkner, a ship-joiner; Pickering, a tailor; and one Bonham, a man of low character: they marched down Chesnut to Second, streets,—down Second to Walnut—and up Walnut, to Mr. Wilson's house; with drums beating, and two pieces of cannon. They immediately commenced firing on the house, which was warmly returned by the garrison. Finding they could make no impression, the mob procured from a blacksmith's shop in the neighbourhood, a crow-bar and sledge, and proceeded to force the door. At the critical moment when the door yielded to their efforts, the horse made their appearance: had they succeeded in effecting an entrance, every individual in the house would have, doubtless, been murdered.

After the troop had retired, a few of the members, having received intelligence, that the mob were marching into town, hastened to the established rendezvous. Collecting thus by mere accident, their number only amounted to *seven;*—these were major Lennox, major Nichols, major William Nichols, Thomas Morris, Alexander Nesbitt, Isaac Coxe, and Thomas Leiper. This small body resolved to attempt the rescue of their fellow-citizens. On their route, they were joined by two troopers, belonging to colonel Bayler's regiment, quartered at Bristol, and turning rapidly and suddenly round the corner of Chestnut street, they charged the mob. When the cry of "the horse! the horse!" was raised, the rioters, ignorant of their numbers, dispersed in every direction; but not before two other detachments of the first troop had reached the scene. Many of them were arrested, delivered to the civil authority, and committed to prison; and as the sword was very freely used, a considerable number was severely wounded. One man, and one boy, were killed in the streets; in the house, captain Campbell was killed, and Mr. Mifflin, and Mr. Samuel C. Morris, were wounded. The troop patroled the streets, the greater part of the night. The citizens turned out en masse; and placed a guard at the powder magazine, and the arsenal. It was some days before order was restored; and the troop, from the part they had taken, found it necessary to keep much together, and hold themselves in readiness to act in support of each other. Major Lennox was particularly marked out for destruction. He retired to his house at Germantown. The mob followed, and surrounded it, during the night, and prepared to force an entrance. Anxious to gain time, he pledged his honour, that he would open the door as soon as day-light appeared. In the mean time, he contrived to despatch an intrepid woman, who lived in his family, to the city, for assistance; and a party of the first troop arrived in season to protect their comrade: but he was compelled to return to town, for safety. He was, for a number of years, saluted, in the market, by the title of " brother butcher," owing in part, to his having been without a coat on the day of the riot: having on a long coat, he was obliged to cast it aside, to prevent being dragged from his horse.

The gentlemen who had comprised the garrison, were advised to leave the city, where their lives were endangered. General Mifflin, and about thirty others, accordingly met at Mr. Gray's house, about five miles below Gray's ferry, where a council was called, and it was resolved to return to town, without any appearance of intimidation. But it was deemed expedient that Mr. Wilson should absent himself for a time: the others continued to walk as usual in public, and attended the funeral of the unfortunate captain Campbell.

Thus ended this disgraceful affair. Had it not been for the spirited, prompt, and energetic conduct of the first troop, the lives of many very valuable citizens, and genuine whigs, would have been sacrificed, and an indelible disgrace entailed upon the city of Philadelphia. It was generally believed, at that time, that the mob had been instigated by certain secret political enemies to the gentlemen in the house, who were attached to the republican party. Some alleged that individuals, high in office, excited the tumult; but this is not to be accredited. Others thought, with more reason, that the disorder was suffered to proceed to a certain length, under the belief that a seasonable stop could be put to it; and with the prospect of being applied to for protection by the gentlemen in danger, who were the political enemies of those in power: whether the latter ought to have interfered without application, or whether the former ought to have made it, are questions which it is now needless to decide on. It appears to be certain, that those who attacked the house, belonged to the constitutional party; and the constitutional society, on the eighth of October, made a collection for the wounded, and the families of the killed. Prosecutions commenced on both sides, but were finally quashed. The general assembly, or what was the same thing, the constitutional party, on the tenth of October, 1779, presented the thanks of the house to his excellency, the president of the state, for his "spirited and prudent conduct on that unhappy occasion;" and on the thirteenth of March, 1780, passed an act of oblivion, granting a free and general pardon for the offences committed on the fourth of October.

On the twenty-fifth of May, 1787, being the first day on which a sufficient number of members appeared, to constitute a representation of a majority of the states, Mr. Wilson attended as a delegate from Pennsylvania, to the convention which then assembled in Philadelphia, for the purpose of forming the constitution of the United States. A surviving member of that body observes, that, "in his opinion, the most able and useful members of it, were James Wilson, and James Madison; that he is in doubt which of these deserved the preference, but was inclined to give it to the former. It is also said, that general Washington expressed a high opinion of the merits and services of Mr. Wilson, in that convention. Being a fluent speaker, and possessing deep political sagacity and foresight, he entered almost daily, during the long deliberations of the convention, into the arguments which arose on the great and important points, necessarily involved in the formation of a new and adequate system of government. He particularly insisted, in the course of the debates, that the national legislature ought not to be appointed by the state legislatures; but that the national legislative powers, ought to flow immediately from the people, so as to contain all their understanding, and to be an exact transcript of their minds; that the state governments ought to be preserved, because the freedom of the people, and their internal good police, depended on their existence in full vigour, but that such a government could only answer local purposes, and that it was impossible that a general government, as despotic as even that of the Roman emperors, could be adequate to the government of the whole, without this distinction. To the argument that each state, according to a confederation, ought to have an equal vote, Mr. Wilson was decidedly opposed. He observed that a majority, nay, even a minority of the states, had a right to confederate with each other, and the rest might do as they thought best. He considered numbers as the best criterion to determine representation; and that it would be unjust to permit a small state, to have the same right and influence in the councils of the nation, as a large one. I never, said he, will confederate on this plan. If no state will part with any of its sovereignty, it is in vain to talk of a national government. The state which has five times the number of inhabitants, ought, nay, must have the same proportion of weight in the representation. If there was a probability of equalizing the states, he would support it. But we have no such power. If, however, we depart from the principle of representation in proportion to numbers, we will lose the object of our meeting. Inequality in representation poisons every government. The English courts are hitherto pure, just, and incorrupt, while their legislature is base and venal. The one arises from unjust representation, the other from their independence of the legislature. Lord Chesterfield remarks, that one of the states of the United Netherlands, withheld its assent to a proposition until a major, of their state, was provided for: he needed not to have added, (for the conclusion was self-evident,) that it was one of the lesser states. I mean no reflection; but I leave it to gentlemen to consider whether this has not also been the case in congress?—On the same subject, he remarked: "Confederations are usually of a short date. The Amphyctionic council was instituted in the infancy of the Grecian republics;—as those grew in strength, the council lost its weight and power. The Achæan league met the same fate;—Switzerland and Holland are supported in their confederation, not by its intrinsic merit, but the incumbent pressure of surrounding bodies. Germany is kept together by the house of Austria. True, congress carried us through the war, even against its own weakness. That powers were wanting, you, Mr. president, (Washington,) must have felt. To other causes, not to congress, must the success be ascribed. That the great states acceeded to the confederation, and that they, in the hour of danger, made a sacrifice of their interest to the lesser states, is true. Like the wisdom of Solomon, in adjudging the child to its true mother, from tenderness to it, the greater states well knew that the loss of a limb was fatal to the confederation;—they too, through tenderness, sacrificed their dearest rights, to preserve the whole. But the time is come when justice will be done to their claims. Situations are altered." But it is impracticable to follow Mr. Wilson through the long and varied discussions, produced by the agitation of so many important questions, in which he generally took a conspicuous part. On the twenty-third of July, it was resolved, "That the proceedings of the convention for the establishment of a national government, except what respects the supreme executive, be referred to a committee for the purpose of reporting a constitution conformably to the proceedings aforesaid;" and on the next day, this committee, called in the journal, "the committee of detail," was appointed: it consisted of five members,—Messrs. Wilson, Rutledge, Randolph, Gorham, and Elsworth; who, accordingly, on the sixth of August, 1787, reported the draft of a constitution.

Mr. Wilson was also one of the convention which ratified the federal constitution in behalf of the state of Pennsylvania; and as he was the only member of the general convention, that had a seat in that of the state, he considered it his duty to prepare the way for their deliberations, by unfolding, in a long, learned, and powerful, speech, the difficulties which the federal convention had to encounter; by pointing out the end which they proposed to accomplish; and by tracing the general principles which they had adopted for the accomplishment of that end.

On the sixth of October, he concluded a strong argument in favour of the ratification of the constitution, in the following decisive and energetic manner: "It is neither extraordinary, nor unexpected, that the constitution offered to your consideration, should meet with opposition. It is the nature of man to pursue his own interest, in preference to the public good; and I do not mean to make any personal reflection, when I add, that it is the interest of a very numerous, powerful, and respectable body, to counteract and destroy the excellent work produced by the late convention. All the officers of government, and all the appointments for the administration of justice, and the collection of the public revenue, which are transferred from the individual to the aggregate sovereignty of the states, will necessarily turn the stream of influence and emolument into a new channel. Every person, therefore, who either enjoys, or expects to enjoy, a place of profit under the present establishment, will object to the proposed innovation;—not, in truth, because it is injurious to the liberties of his country, but because it affects his schemes of wealth and consequence. I will confess, indeed, that I am not a blind admirer of this plan of government, and that there are some parts of it, which, if my wish had prevailed, would certainly have been altered. But, when I reflect how widely men differ in their opinions, and that every man,—and the observation applies likewise to every state,—has an equal pretension to assert his own, I am satisfied that any thing nearer to perfection, could not have been accomplished. If there are errors, it should be remembered, that the seeds of reformation are sown in the work itself, and the concurrence of two-thirds of the congress, may, at any time, introduce alterations and amendments.—Regarding it, then, in every point of view, with a candid and disinterested mind, I am bold to assert, that it is the BEST FORM OF GOVERNMENT WHICH HAS EVER BEEN OFFERED TO THE WORLD."

On the fourth of July, 1788, Mr. Wilson was selected to deliver the oration, at the famous procession formed at Philadelphia, to celebrate the adoption of the constitution of the United States.

By the ratification of the federal constitution, the *constitutional* party of Pennsylvania was laid at the feet of the *republicans*, who, triumphing under the appellation of *federalists*, overwhelmed their adversaries with the short-lived odium of *anti-federalism*. A convention was now called for altering the constitution of the state of Pennsylvania, so as to render it more conformable to that of the United States. The discomfiture of the constitutionalists, who had opposed the adoption of the federal constitution, being complete, they made a virtue of necessity, and yielded, with a tolerably good grace, to the call of this convention: they considered it, and wisely too, as a mean of recovering their lost consequence; and exerting themselves at the elections for members of it, they contrived to take the field, with a force not very inferior to that of their adversaries. This body was considered highly respectable for its abilities: among the men of note who were delegated to it, were Messrs. Wilson, M'Kean, Lewis, Ross, Addison, Sitgreaves, Pickering, Gallatin, Smilie, and Findley. The construction of the senate, or upper house of the legislature, was the point which excited most interest, and was, consequently, the subject of the warmest controversy, in the convention. A committee, selected for the purpose, reported an outline of the constitution. When that part of the report, which recommended the choosing of senators, through the medium of electors, was under discussion, Mr. Wilson took the lead in opposition to it, and Mr. Lewis in support of it. It was urged by the latter, and his co-operators, that the senate should be so constituted, as to form a check upon the house of representatives; and, as in the proposed mode of creating it through the alembic of electors, it would be purged of the impurities of an immediate election by the people, the desideratum would be obtained;—that, being chosen by a selected few, it would probably be more wise, more respectable, and more composed of men of wealth, than if chosen by the multitude;—and hence, it was inferred, that it would partake, in no inconsiderable degree, of the proper qualities of an upper house. As to Mr. Wilson's scheme, (for he had moved a substitute,) of choosing the senators in the same manner as the representatives, with the exception only of larger election districts, it was reprobated as doing away every purpose of a divided legislature;—since the individuals composing the two houses, would then be precisely of the same character, and too homogeneous to operate as correctives of each other.—Mr. Wilson, in defence of his plan, maintained, that the circumstance of their different spheres of election, would make the two bodies sufficient checks upon each other; as well as their sitting in two chambers, which would produce an esprit-du-corps in each; and their being chosen for different periods, the representatives for one year, the senators for four years. He, moreover, urged, that electors would open a door to unfair practice and intrigue; that the senators should be as much favourites of the people, as the representatives, and be inspired with equal confidence, by equally feeling themselves their choice.

As the debate seemed to turn upon the idea, that this was a contest between the principles of democracy and aristocracy, and that great advantages would be gained to either that might prevail, a considerable degree of heat was engendered; and Wilson, hitherto deemed an aristocrat, a monarchist, and a despot, as all the federalists were, found his adherents on this occasion, with a few exceptions, on the anti-federal side of the house. His speech on this subject was replete with sound reasoning and eloquence, mingled with the keenest sarcasm. He drew, to be sure, a picture of a free citizen, in the act of disposing of his suffrage, not altogether answerable to the sad realities, which are found on the election ground. Royalty, with its most splendid regalia, was made to hide its diminished head. "What is the right of suffrage," he demanded, "which we now display, to be viewed, admired, and enjoyed, by our constituents? Is it to go to an obscure tavern, in an obscure corner of an obscure district, and to vote, amidst the fumes of spirituous liquors, for a justice of the peace? There indeed," said he, "no lesson would probably be learned, but that of low vice; no example would probably be shown, but that of illiberal cunning. Is it even to choose the members of one part of a legislature, the patriotic counsels and efforts of which part are liable, at every moment, to be controlled and frustrated by the negatives of other powers, independent of the authority, and indifferent, perhaps unfriendly, to the interests of the people?—Of much higher import, of much more improving efficacy, is that right which is now the object of our contemplation. It is a right to choose, in large and respectable assemblies, all the legislative, and many of the executive officers of the government; it is a right to choose those who shall be invested with the authority, and with the confidence of the people, and who may employ that authority and that confidence for the noblest interests of the commonwealth, without the apprehension of disappointment or control.—This, surely, must have a powerful tendency to open, to enlighten, to enlarge, and to exalt the mind. I cannot sufficiently express my own ideas of the dignity and value of this right. In real majesty, an independent and unbiassed elector stands superior to princes, addressed by the proudest titles, attended by the most magnificent retinues, and decorated with the most splendid regalia. His sovereignty is original; theirs is only derivative." After painting, in glowing colours, the influence, advantages, and importance of the rights of election, he comes to the conclusion, that the right of suffrage, properly understood, properly valued, properly cultivated, and properly exercised, is a rich mine of intelligence and patriotism;—that it is an abundant source of the most rational, the most improving, and the most endearing, connexion among the citizens;—and that it is a most powerful, and, at the same time, a most pleasing, bond of union between the citizens, and those whom they select for the different offices and departments of government.

In his animadversions on the probable characters of the electors, Mr. Wilson poured forth a flood of keen and irresistible satire: "Who," said he, "are those electors to be? Logicians sometimes describe the subjects of their profound lucubrations negatively, as well as positively. Let us borrow a hint from them, on this occasion. Who are those electors *not* to be? 1. They will be such as the people will think not the fittest to represent them in the most numerous branch of the legislature; for no representatives can be electors. 2. They will be such as the people will think not the fittest for senators; for no elector can be a senator;—and therefore, the people will not choose those to be electors, whom they would wish to see in the senate. 3. They will be such as the governor *has* thought not the fittest for any office in the executive or judicial departments; for persons holding appointments in any of those departments, cannot be electors. I was going to say, in the fourth place, that they will be such as will be thought not the fittest for any office under the executive department in future. But here, I find, I am mistaken. For they may hold offices the moment after their election of senators; and I will not assert it to be impossible, that they will acquire their qualifications for those offices, by their conduct in that election." *** "Among the numerous good qualities of the electors, we hope one will be —that they will be unsusceptible of intrigue or cabal among themselves. A second we hope, will be—that they will be inaccessible to the impressions of intrigue or cabal from others. A third, we hope, will be—that as the people, by choosing them electors, have intimated decently that they think *them* not the fittest persons to be senators, *they* will cultivate the same decent reserve, with regard to their brothers, their cousins, their other relations, their friends, their dependents, and their patrons."

The most able debaters in the convention, were Wilson and Lewis. Ross, Addison, Sitgreaves, and Gallatin, were comparatively young statesmen; though the three first acquitted themselves in a handsome manner: the latter did not venture beyond an isolated observation. Wilson was truly great, but enthusiastically democratic. The symptoms of returning reason, evinced in the adoption of the federal constitution, had, probably, put him in good humour with the people, and made him, more than ever, in love with "free and independent man." By an animated speech, and captivating theory, in favour of a popular vote, he defeated the plan in contemplation, to choose the governor by electors, or some distillation from the general mass. Such facts prove the injustice of charging him with anti-democratical sentiments. In fine, the character of his eloquence, the weight of his reasoning, and his extensive and accurate knowledge of the science of government, made him one of the most prominent members of the convention. He was one of the committee to prepare the form of the constitution; and the task of drawing up that instrument devolved on him.

In October, 1789, Mr. Wilson was appointed by president Washington, one of the first judges of the Supreme Court of the United States, under the present constitution. In the selection of persons for high judicial offices, Washington consulted public opinion, as well as intrinsic worth; and a high degree of character was blended with real talent. In a letter, written on the occasion to John Rutledge, he makes the following remarks: "Regarding the due administration of justice as the strongest cement of good government, I have considered the first organization of the judicial department, as essential to the happiness of the people, and to the stability of the political system. Under this impression, it has been with me an invariable object of anxious solicitude, to select the fittest characters to expound the laws, and to dispense justice." At the head of a department, deemed by himself so important, he placed Mr. John Jay; and nominated, as associate justices, James Wilson of Pennsylvania, John Rutledge of South Carolina, William Cushing of Massachusetts, Robert Harrison of Maryland, and John Blair of Virginia. Some of these gentlemen had filled the highest law offices in their respective states; and all of them had received distinguished marks of the public confidence. In this office, Mr. Wilson continued until his death, when he was succeeded by the honourable Bushrod Washington. His character and conduct on the bench, were very highly esteemed for integrity and ability, and his deportment towards the bar, and the parties, was dignified, gentlemanly, and conciliating.

In the year 1790, the law professorship in the college of Philadelphia, was established; and Mr. Wilson was appointed the first professor. The extent of his plan of lectures rendered it impossible for him to go through his whole subject in one season: three courses were necessary for the purpose. His first course was delivered in the winter of 1790-91, and his second, in a great measure, in the following winter. In April, 1792, the college of Philadelphia, and the university of Pennsylvania, were, by an act of assembly, united into one institution, under the latter title. A law professorship was erected in the new seminary, and Mr. Wilson again appointed to fill the chair: but no lectures were delivered after the union. His lectures on law are included in his works, which were published in 1804, in three volumes octavo. These lectures have not met with general approbation, nor is their excellence altogether undisputed. Mr. Graydon particularly condemns the opinion, that the commentaries of Blackstone should be studied with caution, because he is heterodox in some of his ideas, and does not trace power to its genuine source; that is, "through its small and pure streams, up to the free and independent man." He also remarks that the insinuation with regard to Burke's want of integrity, and his "new creed," might as well have been omitted; "Mr. Wilson," he says, "was an able man, and his eloquence as a speaker, singularly forcible and commanding; but when he undertakes to raise trophies to himself from the dispraise of such men as Blackstone and Burke, he engages in a task which may justly be termed a bold one." But if some of the principles, contained in his lectures, have been questioned, none deny that they are the work of a strong mind, developing extensive learning and deep reflection.

In March, 1791, the house of representatives in the general assembly of Pennsylvania, resolved to appoint a person to revise and digest the laws of the commonwealth; to ascertain and determine, how far any British statutes extended to it; and to prepare bills, containing such alterations, additions, and improvements, as the code of laws, and the principles and forms of the constitution, then lately adopted, might require. Mr. Wilson was unanimously appointed for that purpose; and, in a letter to the speaker, dated the twenty-fourth of August, 1791, he submitted to the house of representatives, a long, able, and elaborate plan, formed in consequence of their appointment. In the execution of it, Mr. Wilson made very considerable progress. It had been undertaken, however, under the authority of only one of the houses of the assembly, without the sanction of the other; and in the course of its execution, it was found, that the want of legislative sanction, and of a provision for making pecuniary compensation to persons necessarily employed as assistants in a work of so much labour and importance, joined with the difficulty of obtaining many useful and necessary books connected with the subject, had retarded its progress, and thrown considerable impediments in the way of its completion. An attempt was made to remove these obstacles; and a bill was passed for that purpose by the house of representatives: but it was unfortunately negatived in the senate. The design of framing a digest under the authority of the legislature, was, of course, relinquished. But Mr. Wilson still contemplated the execution of a similar design, as a private work, and supported only by his own name. This occupied, for a long time, his assiduous attention: he had, in a great degree, prepared the materials; but did not live to arrange them, and to compose the proposed work.

Mr. Wilson was the acknowledged head of the Philadelphia bar, and engaged in almost every important cause; but his ability as a judge, is said not to have equalled his eminence as a lawyer. He shone more conspicuously at the bar, than on the bench. With sound logic, and mature judgment, he combined a graceful delivery, and ready command of language, which captivated all around him. When he appeared before the assembly, in 1778, on the famous question of the Chester county election;—a year or two after, in the great proprietary cause;—and subsequently, in that which restored the college to its former trustees;—he displayed the most extensive erudition, and the energy of his mind commanded universal admiration. There was something singular in his mode of arriving at his goal. He appeared studiously to avoid the beaten track; but never failed to throw the strongest lights on his subject, and theme, rather to flash, than elicit conviction, sylogistically. "At any rate," says Graydon, "he produced greater orations than any other man I have heard; and I doubt much whether the ablest of those who sneer at his occasional simplicities, and 'brilliant conceits,' would not have found him a truly formidable antagonist."

Mr. Wilson devoted little of his time to the students in his office, (among whom were the Hon. Judge Washington and Samuel Sitgreaves, Esq.) and rarely entered it, except for the purpose of consulting books. Hence his intercourse with them was rare, distant, and reserved. As an instructor, he was almost useless to those who were under his direction. He would never engage with them in professional discussions; to a direct question, he gave the shortest possible answer; and a general request for information was always evaded.—He soon withdrew, almost entirely, from the common law courts, in which he seldom appeared, and not always to advantage. He seemed either to have forgotten, or to have become incapable of descending to, the numberless technical and minute details of form, &c. which are indispensible to the practising lawyer in those courts. And he became so frequently entangled in these "*cobwebs,*" as he called them, wound around him by men of inferior capacities, that it excited in him an unconquerable disgust, which he could not conceal. His practice was then almost exclusively in the admiralty courts, and particularly, in the court of appeals established by the old congress.

He was, in truth, a learned man, and a profound lawyer; distinguished for his scientific attainments, and conspicuous for his political talents. Possessed of comprehensive means, he had closely devoted himself to the researches which afford materials for the construction of republican institutions; and which, in his hands, would have been absolutely perfect, if political data admitted of mathematical results. He was invested with the diploma of doctor of laws. His various writings indicate a vigorous and comprehensive mind. He wielded his pen, at an early date, in defence of American rights, and, in 1774, published a pamphlet entitled "Considerations on the nature and extent of the legislative authority of the British parliament," which was much admired. He rested his arguments on a broader base than any writer had yet done, although it was subsequently adopted; and boldly denied, *in every instance,* the authority of parliament. Before this time, between the years 1767 and 1769, he wrote a number of essays conjointly with Bishop White, under the title of "The Visitant." His "Considerations on the bank of North America," published in 1785, evince an intimate knowledge of banking, and a patriotic desire to support an institution which had rendered such essential services to the country. This publication was occasioned by a bill, introduced into the legislature of Pennsylvania, to repeal an act of assembly passed in the year 1782, by which a charter of incorporation had been granted to the bank of North America: the bill was passed into a law, in September, 1785.

Mr. Wilson was more a man of books, than of the world; and always possessed a simplicity, in this respect, which afforded frequent cause of good-humoured merriment to his friends. In private life, he was friendly, interesting, and hospitable; amiable and benevolent in his deportment; of strict truth and integrity; and affectionate and indulgent as a husband and a father. In a word, his domestic character and conduct were such, as uniformly to secure the reverence and affection of his family and friends.

He was first married, about the year 1771 or 1772, to Miss Rachael Bird, the youngest daughter of William Bird, Esquire, of Bucks county, proprietor of the fine seat and iron-works on the Schuylkill, called Birdsborough. She died in April, 1786. By this marriage, he had six children: Mary, now the wife of Paschal Hollingsworth, Esq. of Philadelphia;—William, who died at Kaskaskias, seven or eight years since,—Bird, now a clergyman in New York, and formerly holding a judicial station in Pennsylvania;—James, who was a lieutenant in the army, but resigning that station, became a merchant, and died at St. Domingo, in 1808;—Emily, who died at Norristown, 1809;—and Charles, first a midshipman in the navy, and afterwards in mercantile business, who died at Havannah, in 1800; the four deceased children died unmarried.—Mr. Wilson's second wife was Miss Hannah Gray, an amiable young lady of Boston, and second daughter of Mr. Ellis Gray, a merchant of that city. By this marriage he had one son, Henry, who died in infancy. This lady survived her husband, and after his death was united in marriage to doctor Thomas Bartlett, of Boston: she died in London, in 1807, whither she had accompanied her husband.

Mr. Wilson was about six feet in height; erect; or, rather, if the expression may be allowed, stooping backward. His person was dignified and respectable; and his manner a little constrained, but not ungraceful. His features could not be called handsome, although they were far from disagreeable; and they sometimes bore the appearance of sternness, owing to his extreme nearness of sight. His voice was powerful, but its cadence perfectly modulated.

He died, from stranguary, on the twenty-eighth of August, 1798, in the house of his colleague, Judge Iredell, at Edenton, North Carolina, in about the fifty-sixth year of his age, while on a circuit in his judicial character, and was interred at that place.

CARTER BRAXTON.

BRAXTON.

Carter Braxton was born at Newington, the seat of his father, a handsome mansion situated on the northern bank of Mattapony River, in the county of King and Queen, Virginia, on the tenth of September, 1736. His father, George Braxton, a wealthy planter, derived the greater part of his estate from his ancestors, who, it is believed, had acquired it principally by commercial pursuits. He was probably a man of some consideration in the colony, as he was united in marriage to the daughter of one of the king's council, and was himself a member of the house of burgesses. In the year 1748, he represented the county of King and Queen, and was a colleague of the celebrated John Robinson, for a long time speaker of that house. His mother was Mary, daughter of Robert Carter, a member, and, during the year 1726, president of the king's council: from her, the subject of this memoir derived his first, or christian name. She died on the seventeenth of September, 1736, in the twenty-fourth year of her age, leaving two children, George and Carter,—the former rather more than two years, the latter seven days old.—It is impracticable to ascertain the precise time when the death of the father, George Braxton, occurred; but it is probable, from several concurring circumstances, that he died when his two sons were youths.

Carter Braxton received a liberal education at the college of William and Mary, at that time one of the best seminaries in the British colonies. He derived from his father and grand-father, a very considerable fortune, consisting chiefly of land and slaves. He possessed three or four large plantations in the county of King William, on Pamunkey river, the products of which were tobacco and Indian corn, at that time the staples of the country, and also a very large body of land in the county of Amhurst, most favourably situated for the culture of tobacco. He acquired the possession of this large estate at an early period of life, and there were few young men in the colony on whom fortune smiled more propitiously, in the beginning.

At the early age of nineteen years, he married Judith Robinson, a young lady of great beauty, and daughter of Mr. Christopher Robinson, a wealthy planter of the county of Middlesex, and a relative of speaker Robinson. By this marriage, he acquired an accession to his already large estate. This lady bore to him two daughters, but in giving birth to the second, died on the thirtieth of December, 1757, in the twenty-first year of her age.

Soon after the death of his wife, Mr. Braxton embarked for England, where he remained several years, and returned to his native land in the autumn of 1760. It is believed that his principal object, in making this visit, was the improvement of his mind, and manners, by an intercourse with the best and most polished society in the metropolis of the British empire.

On the fifteenth of May, 1761, he married Elizabeth Corbin, the eldest daughter of Richard Corbin, Esquire, of Laneville, King and Queen county, who was at that time, and until the commencement of hostilities, the king's receiver-general of the customs in the colony of Virginia: By this marriage he had sixteen children, of whom six died in infancy. Mrs. Braxton survived her husband, and died, at an advanced age, in the year 1814. Of this large family of sons and daughters, one only, a daughter, is now living. His two daughters by the first marriage, and the eldest by his second, and four of his sons, married happily, and have left behind them numerous descendants; the remaining four lived unmarried, and of them, two daughters and a son died at an early age:—the other, Mr. Corbin Braxton, died in 1822.

The extent of Mr. Braxton's fortune rendering it unnecessary for him to study any profession, his occupation, during the early part of his life, was that of a gentleman planter. His habits were undoubtedly very expensive, according to the fashion of that day amongst all those who have been denominated the landed aristocracy of the colony. During his first marriage, he built an elegant mansion on his estate, called Elsing-Green, which is still standing on the banks of the Pamunkey; and he afterwards erected another, still more spacious, on his plantation, known by the name of Chericoke, on the same river: this building was destroyed by fire during the war of the revolution, and with it, many of his valuable papers. At each of these mansions, he is stated to have lived in considerable splendour. His cellars were filled with the finest wines, and his plate and other furniture, were of the richest kind. His manners were refined, and his hospitality generous; and his house became the resort of the gay, the fashionable, and the rich. But, although he indulged in this expensive course of living,—a course, not more agreeable to his own taste, than rendered necessary by the high standing in society which his wealth, his family, and his alliances, had conferred on him,—it is said that his fortune was not essentially impaired by it.

It is not now possible to ascertain the precise period when Mr. Braxton was first called into public life. It is believed, however, that he was a member of the house of burgesses, the popular branch of the colonial legislature, as early as the year 1761; and that he took an active part in the eventful session of 1765, when the celebrated resolutions of Patrick Henry were adopted: by these it was strongly affirmed that the sole right and power to lay taxes and impositions on the people of the colony, was in the general assembly, and that every attempt to vest such power in the parliament, had a manifest tendency to destroy British, as well as American, freedom.

In the session of the house of burgesses, which commenced on the eleventh of May, 1769, being a new assembly elected, and convened soon after the arrival of lord Bottetourt, as governor of Virginia, Mr. Braxton was one of the delegates from the county of King William. The proceedings, and speedy dissolution of that body, are matter of history: The session was marked by a set of resolutions so strong, as to have excited even the amiable and popular Bottetourt to displeasure. The house unanimously resolved, that the sole right of imposing taxes on the colony, was vested in the house of burgesses, with the consent of the council, and of the king, or his governor; that the colony had a right to petition the king for the redress of grievances, and to procure the concurrence of the other colonies, in dutiful addresses to the king; that all trials for treason, and other crimes, committed in the colony, ought to be conducted before his majesty's courts in the colony; that the seizing and sending persons beyond sea for trial, was highly derogatory to the rights of British subjects; and that an address should be presented to his majesty, beseeching his interposition to avert from his subjects, those dangers and miseries, which would ensue from seizing and carrying persons beyond sea, to be tried in any other than the ancient mode of proceeding.

Lord Bottetourt was then fresh from the court of his royal master, and did not at all relish the noble stand which the house had unexpectedly taken. The adoption of the resolutions caused the immediate dissolution of the assembly, by the governor, in these words: "Mr. Speaker and gentlemen of the house of burgesses,—I have heard of your resolves, and augur ill of their effects. You have made it my duty to dissolve you, and you are dissolved accordingly."—But the minds of that assembly were too firm and enlightened, to be driven from the defence of the sacred rights of their constituents, by this act of power. As soon as they were dissolved, the whole body assembled in a private house of the city of Williamsburg, and entered into the memorable non-importation agreement of the eighteenth of May, 1769. In the subscription to that agreement, we find the name of Carter Braxton associated with the venerated names of Randolph, Nicholas, Bland, Cary, Carter, Lee, Washington, Henry, Jefferson, Nelson, and numerous other pure, disinterested, and determined, patriots.

But the dissolution of the house of burgesses did not change the materials of which it had been composed. The same members were re-elected without a single exception, and among them, Mr. Braxton. At the first meeting of this assembly, which took place on the seventh of November, 1769, much greater harmony prevailed than had existed for several years before. This state of things is easily accounted for, by an extract from the opening speech of lord Bottetourt: "I think myself peculiarly fortunate," said his lordship, "to be able to inform you, that in a letter dated thirteenth of May, I have been assured by the earl of Hillsborough, that his majesty's present administration, have at no time entertained a design to propose to parliament, to lay any further taxes upon America, for the purpose of raising a revenue, and that it is their intention to propose, in the next session of parliament, *to take off the duties upon glass, paper, and colours*, upon consideration of such duties having been laid contrary to the true principles of commerce. It may possibly be objected, that as his majesty's present administration are not immortal, their successors may be inclined to attempt to undo what the present ministers shall have attempted to perform; and to that objection I can give but this answer,—that it is my firm opinion that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I forever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am, or ever shall be, legally invested, in order to obtain and maintain for the continent of America, that satisfaction which I have been authorised to promise this day, by the confidential servants of our gracious sovereign, who, to my certain knowledge, rates his honour so high, that he would rather part with his crown than preserve it by deceit."

The noble sentiments expressed by the governor, and the feeling manner in which they were conveyed, were fully reciprocated by the house. A grateful and conciliatory answer was prepared to the speech, by a committee consisting of Mr. Nicholas, (the treasurer) and Mr. Pendleton, which was unanimously adopted, and concluded with these words: "Your lordship's great regard and attention to the welfare and true interests of this colony, had before endeared you to us all; but your generous and noble declarations upon this occasion, demand our warmest, and most grateful, acknowledgments."—Thus the wounds which American liberty had received by the stamp-act,—by the declaration that parliament had a right to tax the colonies in all cases whatever,—and by the duties laid on tea, glass, paper, and colours,—appeared to be in a fair way of being healed; and, during the remainder of the administration of lord Bottetourt, there was a calm, with now and then a rumbling of distant thunder. But it was a deceitful calm preceding the furious tempest, which, during the government of his immediate successor, tore up by the roots, not only the pretensions of the British parliament, but the supremacy of the British king.

In this assembly, Mr. Braxton was considered a valuable and important member. According to the custom of the general assemblies, six standing committees, necessary for the management of the legislative business of the colony, were appointed in the beginning of the session: these were the committees of religion, of propositions, and grievances, of trade, of privileges, and elections, of public claims, and of courts of justice. And Mr. Braxton was appointed a member of the three first-named. Their first session was occupied almost exclusively in the ordinary, though important, affairs of the colony, and on the twenty-first of December, the house was prorogued to the twenty-first of May, 1770, when it met for the second time. This session was engaged, like the last, in the ordinary concerns of the colony, but there was one proceeding which showed, that they watched, with great care, the conduct of parliament; that they still distrusted it; and that they were determined not to yield to its encroachments. That proceeding was a petition to the king, prepared by Richard Henry Lee, as chairman of a committee, consisting of himself, Mr. Bland, Mr. Henry Lee, Mr. Nicholas, Mr. Pendleton, Mr. Archibald Cary, and Mr. Harrison. After reminding him of their former claims to be exempt from all taxes not imposed by themselves, it stated, in language firm, but courteous, that they had the most convincing testimony that the sentiments and dispositions of his ministry, confirmed by the voice of parliament, continued to be extremely unfavourable and alarming to America; a reflection the more grievous, since they had recently flattered themselves, that a permanent foundation would be laid for restoring and perpetuating that harmony, which once united the interests, and affections, of Britain, and America. It deprecated the resolution of parliament, to continue the several acts imposing duties for the purpose of raising a revenue in America; exposing the persons and estates of the colonists to the arbitrary decisions of distant courts of admiralty, and thereby depriving them of the inestimable right of trial by their peers alone. It stated that a partial suspension of duties on British manufactures, could not remove their well-grounded apprehensions, while impositions were continued on the same articles of foreign fabric, and entirely retained on *tea*, for the avowed purpose of establishing a precedent. It therefore, humbly besought and implored him, to interpose his royal influence and authority, to procure a total repeal of those disagreeable acts of parliament, and to secure to them the free and uninterrupted enjoyment of those rights and privileges, derived to them from nature, from society, and from the British constitution.—The petition was unanimously concurred in by the house, and was ordered to be transmitted to Edward Montague, the agent of the colony, to be by him presented to the king.

This second session closed on the twenty-eighth of June, and the house was prorogued to the twenty-fifth of October following, but did not meet before the eleventh of July, 1771. In the interval, lord Bottetourt died, and the executive government devolved for a short period, on William Nelson, president of the council. Lord Dunmore shortly afterwards assumed the reins of government, and, by proclamation, bearing date the twelfth of October, 1771, dissolved the late assembly, and writs were issued for a new one, which met on the tenth of February, 1772. At the time of the election of burgesses, Mr. Braxton was high sheriff of his county, and consequently ineligible to a seat in the assembly.

After the dissolution of the legislature by Dunmore, on the twenty-seventh of May, 1774, a spirited association was immediately entered into by eighty-nine of its members, which recommended, amongst other things, that the several colonies of British America should appoint deputies to meet in general congress. The effect of this recommendation was the election, by the several counties in Virginia, of a convention, which met in Williamsburg, on the first of August, 1774. Of this convention, the first that ever met in Virginia, Carter Braxton was a member, being elected by the people of King William county. At their first meeting, they pledged themselves to make a common cause with the people of Boston in every extremity, and broke off all commercial connexion with the mother country. They appointed seven delegates to the congress on the part of Virginia, and furnished them with a spirited letter of instructions.

The same convention again met at Richmond, on the twentieth of March, 1775, and after adopting the strongest measures for putting the country in a posture of defence, and passing resolutions for encouraging the growth of wool, flax, hemp, and cotton, the manufacture of cloths, iron, nails, and gunpowder, and making other useful regulations, they dissolved themselves, having been a week in session, and recommended to the people of the counties to elect delegates to another convention to serve for one year. Thus early did the doctrine of annual elections entwine itself around the affections of this patriotic people.

In the spring of this year, an event occurred in which Mr. Braxton bore a conspicuous part. On the twentieth of April, 1775, at night, lord Dunmore caused the powder belonging to the colony, and which was deposited in the magazine at Williamsburg, to be secretly withdrawn, and transferred to a British armed ship, then lying at Burwell's Ferry, on James' river. The pretext for this unlawful seizure was, that the governor had heard of an insurrection of the slaves in a neighbouring county, and that he had removed the powder to a place of greater security; and he assured the municipal authority of Williamsburg, that whenever it was wanted on any insurrection, it should be returned in half an hour. This conditional promise of the return of the powder, supported by the influence of Mr. Peyton Randolph, Mr. Nicholas, and others, who were known and respected as patriots, had the effect of quieting, although it did not satisfy, the minds of the people of that ancient city. When this news spread through the country, it produced an electrical effect. The volunteer militia of several adjacent counties assembled at Fredericksburgh, to the number of six or seven hundred men. They were with difficulty restrained from marching. They elected a council, which decided on deputing Mr. Mann Page to Williamsburg, to ascertain the state of affairs. A letter from Peyton Randolph, who was then the president of congress, and known to be an ardent friend of American liberty, induced them, with reluctance, to retire to their respective homes. Before they retired, however, they published their sentiments, and their advice to their brothers in arms, concluding with a firm resolution to re-assemble at a moment's warning, and by force of arms, to defend the laws, liberties, and rights, of that, and of any sister colony. This publication was despatched to the other counties, and caused the disbanding of the volunteers assembled near Mr. Pendleton's in Caroline, and of those coming down from the counties of Berkeley, Frederick, and Dunmore (now Shenandoah). But this advice was not followed, nor approved of, by the Hanover volunteers. Patrick Henry was at their head. He spoke to them, and they marched. Their object was to obtain, by making reprisals on the king's property, sufficient to indemnify the colony for the powder that had been taken away.

It is remarkable, how essentially, at this moment, the leaders of the patriots in Virginia differed from each other in their opinions of the measures proper to be pursued. The advice which Randolph gave to the volunteers at Fredericksburgh, proceeded from the purest and most patriotic motives. With him agreed Nicholas, Pendleton, and other distinguished friends of American liberty. They were anxious to avoid proceeding to extremities: they endeavoured to avoid the shedding of blood. They still clung to the fond hope that a reconciliation might be effected, and all their rights secured without a resort to force. They probably thought that by striking the first blow, they might be placed in the wrong, and that, by temperance and forbearance, they would gain more friends to the cause of their country—if they should be driven finally to independence,—than by giving way to an ebullition of passion, even though it was caused by an acknowledged wrong, and by an illegal act of power. On the contrary, Mr. Henry was even then perfectly satisfied "that we must fight;" that there was no way of avoiding it with honor; that, as the blow was in fact struck by the royal governor, it would be dastardly and disgraceful to submit to it; and that much benefit would result to the cause of freedom, by immediately resenting the insult, and obtaining redress for the injury. Posterior events proved that Henry was the true prophet, and his countrymen have uniformly applauded his zeal and admired his courage.—His company consisted of about one-hundred and fifty men, well armed and equipped, and with this force, he had advanced on the evening of the third of May, as far as Doncastle's, within sixteen miles of Williamsburg. Lord Dunmore seemed determined to prepare for the contest, and obtained, from the Fowey man of war, a detachment of forty marines to guard his palace; —the captain of that ship at the same time declaring, that in case of their being molested or attacked, he would fire on the town of York.

In this state of things, Mr. Braxton interposed his good offices, and his influence in warding off the impending blow. His efforts were crowned with success. He had adopted the moderate councils of Pendleton, Nicholas, and Randolph, and his address, suavity of manners, and connexion with colonel Corbin, the king's receiver-general, enabled him to settle the dispute without bloodshed. He, at first, endeavoured to persuade Henry to disband his men, using the same arguments that had succeeded with the volunteers of Caroline, whom he had seen a few days before with Mr. Pendleton; but finding him resolute in refusing to disband until the powder, or its value, should be returned, he proceeded to Williamsburg, where his father-in-law, colonel Corbin, kept his office. With him, the negotiation succeeded. The receiver-general paid him, by a bill on Philadelphia, the whole amount of Henry's demand, with which Mr. Braxton returned to Doncastle's, where he delivered it to Henry, who gave his receipt for the money, and discharged his company.

But for this interposition, Virginia might have witnessed the blood of her sons flowing in the streets of Williamsburg, almost as soon as Massachusetts did that of her hardy militia, in the town of Lexington. The battle of the latter place had occurred on the nineteenth of April, and was produced by a cause similar to that which had called the Hanover volunteers to the field. Although, however, there was no battle, the patriots obtained every thing for which they flew to arms. In another point of view, it is probably fortunate for the republic that this dispute terminated as it did. If an engagement had actually taken place, Dunmore would immediately have departed. The colony would not then have witnessed the meeting of the last house of burgesses, which took place on the succeeding first of June: they would not have witnessed the correspondence maintained between them and the governor, in which the cause of liberty was so nobly sustained by the house, and his duplicity, falsehood, and diabolical designs, were completely detected and exposed: nor would they have witnessed his disgraceful flight by night, and the base abandonment of his post. These things, which occurred in the following month, tended greatly to alienate the minds of men from the royal government, and to prepare them fully for the events which followed.

Immediately after the dissolution of the assembly, in May, 1774, new writs were issued, and another house of burgesses was chosen. Of that house Mr. Braxton was elected a member. It was prorogued from time to time, but at length, by the advice of his council, lord Dunmore convened them on the first of June, 1775. This was the last, and perhaps the most important, house of burgesses that had ever assembled under the royal government. In that eventful session, Mr. Braxton appears to have been a very active and useful member. He served not only on three of the regular committees, but frequently on those special committees to whom where referred the subjects of dispute between the governor and the legislature.

It was in the night, between the seventh and eighth of June, that the governor fled from his palace, and went on board the Fowey. The repeated and earnest solicitations of his council, and of the house of burgesses, could not prevail on him to return: he would not even come back for the purpose of giving his assent to a number of bills which had been passed, and to which he had no objection. The assembly very properly refused to attend him on board the Fowey. They continued their session till the fifteenth, when they adjourned to October, but never again met. The governor, in a short time, commenced a disgraceful and predatory war on the colony.

The government being thus dissolved by the abdication of the governor, all the powers thereof, as well legislative as executive, devolved necessarily on the general convention, which met at Richmond, on the seventeenth of July, 1775, and sat until the twenty-sixth of August. Of this body Mr. Braxton was a member. The great importance of this convention is apparent, not only from the fact that the ravages of war were now brought home to them by Dunmore, but from the nature of the ordinances passed by them. The former convention acted only by resolution; this proceeded to legislation. They passed an ordinance for raising and embodying a sufficient force for the defence and protection of the colony: two regiments of regulars were ordered to be raised, and several companies, for the western frontiers; and the colony was divided into sixteen districts, in each of which was to be organized a battalion of militia, of five hundred men each, called minute-men: another ordinance provided rules for the better government of the forces; another, for arms and ammunition to be procured; another provided for the appointment of a committe of safety; and another for the appointment of county committees. The committee of safety was a regularly organized body, and was vested with all the functions necessary to protect and ensure the safety of the state. It held the whole executive authority of the colony during the recess of the convention, and particularly had the control of the military forces. Its members were all distinguished for their zeal in the defence of their country's rights: they were Edmund Pendleton, president, George Mason, John Page, Richard Bland, Thomas Ludwell Lee, Paul Carrington, Dudly Digges, William Cabell, Carter Braxton, James Mercer, and John Tabb. During the time that Mr. Braxton remained on that committee, he was an attentive, active, and efficient, member.

The convention again met on the first of December, 1775, at Richmond, but immediately adjourned to Williamsburg. On the fifteenth of that month, they proceeded to elect a delegate to congress in the place of Peyton Randolph, who died in Philadelphia, on the twenty-second of October, whilst he was presiding over that body. Mr. Braxton was appointed his successor, and he soon after took his seat in the great national council, where he affixed his name to the Declaration of Independence, as one of the delegates from Virginia.

On the twentieth of June, 1776, the convention resolved that the delegates to be appointed to represent the colony in general congress, should consist of five in number, and that any three of them should be sufficient. In consequence of this resolution, the names of Mr. Harrison, and Mr. Braxton were omitted, and the other five gentlemen were re-elected, from the eleventh of August following. On this subject, Mr. Girardin, the continuator of Burk's History of Virginia, makes the following remarks: "This reduction of the number of delegates to five, was predicated on two ostensible motives;—economy, and a wish to obtain the aid of the supernumeraries in the arduous business of internal government. As to Mr. Braxton, his *Address on Government* was not universally relished; and his popularity had been, in some degree, impaired by persons whose political indiscretions, though beyond his control, fatally re-acted against him." Mr. Girardin appears to be generally an accurate historian, but in this instance, he has fallen into error; and it is probable that what he calls the ostensible, were the real, motives for reducing the number of delegates. The Address on Government by Mr. Braxton, of which he makes mention, has not descended to our times: if it contained any thing opposed to the independence and freedom of his country, it would afford a proof of a most deplorable dereliction of principle. But if such had been the features of an address published by him, would it not have alienated the affections of his fellow citizens from him? Would he not have been abandoned, not only by his own county, but by the representatives of Virginia? Would they not have spurned him from their presence, as an apostate and deceiver?—That such was not the fact, the records of his subsequent life abundantly show. Who the persons were, whose political indiscretions fatally re-acted on the popularity of Mr. Braxton, does not appear, and as those indiscretions were beyond his control, it would seem extremely unjust that they should affect him at all. If they did affect him, the delusion on the minds of the convention must have been temporary.

The first general assembly under the republican constitution, assembled in Williamsburg on the seventh of October, 1776. The members of the house of delegates, the most numerous branch of that assembly, were the same persons, with very few exceptions, who had composed the preceding convention. Mr. Braxton himself was one of the exceptions. When the convention met in May, 1776, William Aylett, and Richard S. Taylor, were the members from the county of King William. On the twenty-second of May, Mr. Aylett having accepted a military commission, his seat was declared to be vacated, and the president was directed to issue a warrant of election to supply the vacancy. Under that warrant, Mr. Braxton was elected by the people, and took his seat in the succeeding house of delegates. This body was the convention under a new name; for no election had been made by the people, of delegates, between the formation of the constitution and this meeting of the general assembly.

The journal of that body affords strong proof that Mr. Braxton had not fallen under the displeasure of the convention, or, at least, that their displeasure, if it existed, must have been of very short continuance:

"Saturday, October 12th, 1776."

"Resolved, *unanimously*, that the thanks of this house are justly due to Thomas Jefferson, and Carter Braxton, Esquires, for the diligence, ability, and integrity, with which they executed the important trust reposed in them as two of the delegates for this county in the general congress."

"The speaker accordingly delivered the thanks of the house to the said Thomas Jefferson and Carter Braxton, in their places, who expressed the great pleasure they received from this distinguished testimony of their country's approbation of their services."

The first session of the legislature of Virginia was most interesting and important; and it is obvious, from an inspection of the journals, that Mr. Braxton was one of the most active members of the house. He was on the committee of Religion, of which he was chairman;—on the committee of Propositions and Grievances, of which, although he was not first named, he made most of the reports during the session, and consequently must have acted as chairman;—and on the committee of trade. Besides these, he was a member of many other special committees of the greatest importance, and sometimes took the chair of the committee of the whole.

Mr. Braxton continued to receive, during the remainder of his life, and under every change of fortune, which finally became most afflictive and trying, strong and unerring proofs of the confidence of the people, and of the legislature of his state. He was a member of the house of delegates in the years 1777, 1779, 1780, 1781, 1783, and 1785. In the last year, his name stands recorded as one of the supporters of the act for establishing religious freedom;—an act bearing the character of a constitutional provision; —an act, penned by Jefferson, advocated by Madison, and of more value to the religious and civil liberty of the people of Virginia, than any other law that has been passed from the adoption of their constitution to this day. In January, 1786, he was appointed a member of the privy council, or council of state, of the commonwealth, and on the twenty-third of that month, took his seat at the board: he continued a member of that body until the thirtieth of March, 1791. After that period he was elected by the people of Henrico,—he having removed with his family to Richmond, in 1786,—a member of the house of delegates. In the winter session of 1793, he was again elected by the general assembly, into the executive council, and took his seat at the board on the thirty-first of May, 1794. It appears that he was an assiduous and faithful member. The last time that he sat in council, was on the sixth of October, 1797, only four days before his death.

Although Mr. Braxton did not possess the resplendent abilities which shone so conspicuously in Henry, Pendleton, Jefferson, and Lee, he was a man of cultivated mind, and of considerable talents. He frequently engaged in debate, in the conventions and in the legislature. His oratory was probably like his manners, easy, flowing, smooth, and polished. A gentleman who now fills a high station in the government of the Union, and who became acquainted with Mr. Braxton after the termination of the war, observes that "he was an agreeable, though not a remarkably forcible, public speaker. His eloquence was easy and gentlemanly; his language, good; and his manner, agreeable."

It has been already stated that Mr. Braxton derived from his ancestors, a splendid fortune. At the commencement of the revolution, he was still an opulent man. He had always a propensity to engage in commerce, and in the early part of his life, was concerned in merchandising; but not on a very extensive scale. Unhappily for himself and his family, as soon as the war commenced, he entered into commerce upon an enlarged plan. All his mercantile projects and adventures proved to be disastrous. In a few years, all his vessels were swept from the ocean: ship after ship was captured by the enemy. His debts could only be collected in the depreciated currency. His personal property was seized by the sheriff; his lands he had in part sold, when he first engaged in these speculations; the rest, with his slaves and furniture, he mortgaged, to satisfy various creditors. Law-suits accumulated on him. The court of chancery groaned under the weight of the suits in which he was a party, plaintiff, or defendant. He became involved in pecuniary embarrassments, from which it was impossible to extricate him. His temper was sanguine, and hence he imposed on himself, and consequently on his friends. He was in possession of a considerable estate, which he struggled to preserve; and, by making calculations which could never be realized, induced his friends to pledge themselves for him too deeply, and failed in performing his engagements. But the fact that two of his own sons-in-law became sureties for him to a great extent, and shared the fate of the rest, fully proves that the injury done by him to his friends, who were induced to become responsible for him, was not done designedly, but proceeded from his sanguine temper, and from being himself deceived. Legitimate misfortune ought to command our respect, not call forth our censure.

Mr. Braxton finally sunk under his embarrassments, and died heart-broken: he experienced two paralytic attacks, the last of which removed him from this earthly scene. This event occurred at Richmond, on the tenth of October, 1797. His venerable widow, by the exertions of her friends, and the operation of a benificent law, saved, from the wreck of his estate, enough to protect her declining years from absolute want. Thus this gentleman, whose early prospects were so bright and flattering, and who was so usefully engaged in his country's service for many years, became, in his latter days, by a succession of disastrous events, the sport of the most cruel fortune.

Mr. Braxton was a man of mild and philanthropic disposition. He was attached to domestic life, and never so happy as when associated with his wife and children. As a husband, a father, a friend, and a neighbour, he was kind, affectionate, and obliging. His manners were entirely those of a polished gentleman, and in all his ordinary intercourse with society, he was amiable, and exemplary. His hospitality, whose character had been formed in the days of his prosperity, continued in adversity, to be liberal, and in a style peculiarly agreeable. His life was a lesson of the uncertainty of all earthly things, and he died the martyr of misfortune.

MORTON.

It is a matter of regret, that, even at this early day, the domestic remembrances, and the knowledge of the minor public services, of many of our distinguished political fathers, have been, in a great measure, swept away by the current of time. Their prominent political acts,—the general and effectual efforts of their patriotism,—are, indeed, perpetuated in the records of history; but we seek in vain to watch the bursting of the buds, and enjoy the fragrance of the blossoms, which brought forth such perfect, and unrivalled fruit. It is a pleasing relief to retire with the statesman, or the warrior, from the perplexities of the senate, or the wild turmoil of battle, to the calm and quiet pleasures of domestic life. It affords a clearer insight into the character of man, to contemplate him in the unreservedness of retirement, devested of all worldly formality, and acting under the free impulse of natural feeling. The dangers of the state, and the intricacies of public affairs, often require the semblance of an insensibility, as foreign to the heart of the patriot, as it is painful to his feelings. The humane and benevolent chieftain weeps in secret over the inexorable and irrevocable decrees, which the stern duties of warfare have compelled him to pronounce. Thus, while we dwell with admiration on the eloquence and the energy of the patriot, and follow, with irresistible excitement, the footsteps of the warrior through the blood-stained fields of his glory, we love to see them seated in the close-knit circle of family love; to listen to conversation brilliantly enriched by learning and experience; to hear the frank and unfettered emanations of their minds; and when the necessary caution of the statesman, and the sword and buckler of the soldier, have been cast aside, to contemplate the character of the man.

John Morton was one among those primitive labourers in the vineyard of independence, the fruits of whose toil are so gloriously ripening, but of whom few memorials have descended to our times. His ancestors were among the first Swedish emigrants who settled on the Delaware, between the Christiana and Wickeeoe, in the suburbs of Philadelphia. The name of Morten Morten appears among those of the first occupants and proprietors of the townships of Springfield and Ridley. He was born in the year 1724, in the township of Ridley, in the county of Chester, (now Delaware,) about four miles from Upland, (now Chester.) His father, John Morton, was united in marriage to Mary Richards. He died in his youth, previous to the birth of the son who was destined to render his name as imperishable as liberty. His widow was again married to an Englishman, named John Sketchley, who regarded the offspring of the former union with a care truly friendly and paternal. Being a skilful surveyor, he instructed his young step-son in that, and other, branches of the mathematics, and soon discovered, from the rapid proficiency which he acquired, that he was the tutor of no common scholar. The space of three months comprehended all the advantages that John Morton ever acquired from instruction in a public school. His education was superintended and directed, at home, by Mr. Sketchley, and what he acquired from that source, was improved and expanded, through the agency of talents which ranked among the first in the county.—He was employed in surveying, and in farming the paternal estate, until public business engrossed his attention, and summoned him to the more conspicuous walks of life.

About the year 1764, he received the commission of a justice of the peace, and was soon after appointed a representative in the general assembly of Pennsylvania, of which he was an active and influential member, and, for a long time, the speaker.

John Morton was a member of the celebrated stamp act congress, which met in New York, in 1765, in consequence of a circular letter addressed to the legislative assemblies of the several British colonies on the continent, by the house of representatives of the province of Massachusetts. It proposed a meeting of committees from the houses of representatives, or burgesses, of the several colonies, to consult together on existing circumstances, and the difficulties to which they were, and must be, reduced by the operation of the acts of parliament, for levying duties and taxes on the colonies; and to consider of a general, and united, dutiful, loyal, and humble, representation of their condition to his majesty, and to the parliament, and to implore relief.—In consequence of this circular, John Morton, on the eleventh of September, 1765, was appointed by the house of representatives of Pennsylvania, (of which he was then a member,) in conjunction with John Dickinson, and George Bryan, to attend the general congress of committees at New York. They were instructed to consult relative to the points contained in the circular from Massachusetts, and strictly required to take care that such addresses in which they united, were drawn up in the most decent and respectful terms: avoiding every expression that could give the least offence to his majesty, or to either house of parliament.—The first measure of this congress was a declaration of the rights and grievances of the colonists, which asserted them to be entitled to all the rights and liberties of natural born subjects of Great Britain, among the most essential of which, were the exclusive power to tax themselves, and the privilege of a trial by jury. A petition to the king, together with a memorial to each house of parliament, drawn up with temper and firmness, were also agreed on.

In the year 1766 or 1767, the sheriffalty of the county becoming vacant by the death of the incumbent, some months previous to the stated time of election, Mr. Morton was appointed by the governor to supply his place; and, at the next general election, having offered himself as a candidate for that office, he was elected by an overwhelming majority. He executed the duties of his station with satisfaction to the public, and credit to himself, during the term of three years. Soon after the battle of Lexington, which opened the drama of war by rousing the resentment of every American bosom, and by diffusing the spirit of military enthusiasm throughout the land, a battalion of volunteers was formed in the neighbourhood of his residence, who chose, for their colonel, Mr. Morton; but other public engagements prevented him from accepting the commission. About this period, he was appointed one of the judges of the supreme court of Pennsylvania; having before held, with dignity and ability, the office of president-judge of the court of general quarter sessions, and common pleas.

But the point on which his claims to the grateful recollection of posterity, principally depends, is involved in the act of granting his support, and affixing his signature, to the Declaration of Independence. On the twenty-second of July, 1774, he was appointed, by the assembly of Pennsylvania, a delegate to the first Congress, held in Philadelphia, in September of that year. He was instructed to assist in forming and adopting a plan for the purpose of obtaining redress of American grievances, of ascertaining American rights upon the most solid and constitutional principles, and for establishing that union and harmony between Great Britain and the colonies, which was considered necessary to the welfare and happiness of both. The most eminent men of the various colonies, to use the language of Mr. Wirt, were now, for the first time, brought together. They were known to each other by fame; but they were personally strangers. The meeting was awfully solemn. The object which had called them together, was of incalculable magnitude. The liberties of no less than three millions of people, with that of all their posterity, were staked on the wisdom and energy of their councils. No wonder, then, at the long and deep silence which is said to have followed upon their organization; at the anxiety with which the members looked around upon each other; and the reluctance which every individual felt to open a business so fearfully momentous. But Henry, the Demosthenes, and Lee, the Cicero, of America, speedily dissolved the charm.

Mr. Morton was re-elected to congress on the fifteenth of December, 1774, and took his seat in that body on the tenth of May following, at the meeting of the second congress. On the third of November, 1775, he was again appointed a representative, while serving as speaker of the house of assembly; and on the twentieth of July, 1776, he was elected, for the last time, a member of the great national council.

In deliberating on the momentous subject of independence, Mr. Morton found himself called upon to act with firmness and decision, on a most trying and responsible occasion. It is a fashionable thing at the present day, and one which sometimes constitutes a large proportion of the pseudo-patriot's claims to distinction, to rail, without mercy or discrimination, against all those who, at any period, either before or after its adoption, have dared to breathe a suggestion against the Declaration of Independence. In this sweeping condemnation, there is no distinction made between those who opposed the principles of the measure, and those who doubted its expedience at the particular moment of its adoption. Now, a respectable portion of the most earnest and unshaken advocates of the cause,—men who never were, and never could be, doubted, as pure and irreproachable patriots,—were averse to sealing the separation of the two countries, without a farther and more serious consideration of a subject, so pregnant with fearful and unknown events. No wonder, then, that Mr. Morton experienced the most intense anxiety of mind, when he was required to give the casting vote of the Pennsylvania delegation;—a vote which would either confirm or destroy the unanimity of the Declaration of Independence;—a vote upon which hung the important decision, whether the great state of Pennsylvania should, or should not, be included in the league which bound her sister colonies together. On the fourth of July, 1776, when the question was about to be decided, deep interest was excited with regard to the states of Delaware and Pennsylvania, which had previously voted in opposition to independence. The opportune arrival of Mr. Rodney, secured the voice of the former, and the absence of two adverse members of the Pennsylvania delegation reduced it, in number, to five:—these were James Wilson, Benjamin Franklin, Charles Humphreys, Thomas Willing, and John Morton. Mr. Wilson and doctor Franklin were decidedly in favour of, and Mr. Humphreys and Mr. Willing, opposed to, the measure. Every thing rested on the determination of Mr. Morton; the interests of one of the largest states on the continent, were at stake; its secession from the common cause might have been productive of the most pernicious consequences; and the honour of the country, and of the cause, demanded cordiality and unanimity. He enrolled his vote in favour of independence; but the mental anxiety which he experienced in so novel and solemn a situation, and the great responsibility which he had incurred in case the measure should be attended with disastrous results, preyed upon his peace, and is confidently said to have accelerated, if it did not cause, his dissolution.

He served with ability and judgment, on many important committees, during the term of his service in congress; and he was chairman of the committee of the whole, during the organization of a system of confederation, finally agreed to, on the fifteenth of November, 1777.

John Morton possessed a disposition at once lively, sociable, friendly, and humane. Overpowering the deficiencies of early education, by the strength of his mind, and the force of his talents, he rose to the highest and most dignified offices of the state. Casting aside the chain and the quadrant of the surveyor, he measured his mind with the first men of the age, in the wide, but unsurveyed, field of rational freedom, and was one among the first to regulate its angles according to the two principles of practical political geometry. It would have been in vain to seek the plough-boy of Ridley, in the dignified judge upon the bench, in the speaker of the legislative assembly of Pennsylvania, or in the important member of the most august body of assembled virtue and patriotism, that the world has ever been taught to venerate.—He was charitable to the poor; a kind friend, an affectionate husband and father; a social, and, oftentimes, jocular companion. His modesty was equal to his merit; and the remark might justly be applied to him in the language of the poet, that,

> "It is the witness still of excellency,
> To put a strange face on his own perfection."

Eminently beloved by his neighbours, their confidence in him was perfect and unshaken; and a long list of his services, as executor and guardian, shows, that the dying parent could often meet, with more consolation, the stroke of death, under the conviction that the property of his children, and the regulation of their conduct, had been committed to the charge of an honest man.

He entered into matrimony with Miss Ann Justis, of the state of Delaware: they were blessed with a numerous offspring, eight of whom, three sons and five daughters, were living at the time of their father's decease.

In the month of April, 1777, a violent inflammatory fever removed him from this mortal scene, in the fifty-fourth year of his age: he was buried in the cemetery of St. James' Church, in Chester, of which he was a member. At the close of his life, he was abandoned by some who had been his warmest friends, but whose political sentiments differed from his own, and they could neither forgive not forget the vote which he had given in favour of independence. It was then that the patriot shone forth even amid the pangs of dissolution: "Tell them," said he, on his death-bed, and with a prophetic spirit,—"tell them that they will live to see the hour, when they shall acknowledge it to have been the most glorious service that I ever rendered to my country."

STEPHEN HOPKINS.

By [illegible]

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HOPKINS.

Stephen Hopkins was born in that part of the then town of Providence, which now forms the town of Scituate, on the seventh of March, 1707. His great-grand-father, Thomas Hopkins, who married the daughter of Benedict Arnold, the first governor of the colony of Rhode Island, was one of the primitive settlers of Providence. His father, William Hopkins, the only child of his parents, united in marriage with Ruth Wilkinson, grand-daughter of William Wickendon, one of the first settlers, and first preachers, among the Baptists, in Providence. Stephen, their second son, was brother to commodore Esek Hopkins, who was appointed commander-in-chief of the fleet in December, 1775: he commanded the squadron which, in 1776, brought off the stores, cannon, &c. from Providence; and, on the sixteenth of August, in that year, he was censured by congress, for not paying due regard to the tenor of his instructions. In the following year, he was suspended from his command in the American navy.

More than a century has elapsed since the adolescence of Mr. Hopkins disclosed the high promise of talents which subsequently distinguished the statesman and the patriot. With the first dawning of active life, he became esteemed for his worth, his growing virtues, and his regular and useful habits. Although the remembrance and knowledge of his youthful days are, in a great measure, lost, yet it appears on record, as an evidence of the regularity of his conduct at that period, and the confidence which it excited, that, when only nineteen years of age, his father gave him a deed of gift for seventy acres of land, and his grandfather bestowed on "his loving grandson," an additional tract of ninety acres.—He received nothing more than a plain country education, by which he acquired an excellent knowledge of penmanship, and became conversant in the practical branches of the mathematics, particularly surveying.

Being the son of a farmer, he continued the occupation of his father, after the death of the latter, and, in 1731, increased his estate in Scituate, by the purchase of adjoining lands. He continued this mode of life until his removal to Providence, in

1742, when he sold his farm, and built a mansion in that town, in which he continued to reside until his death.

In March, 1731-2, Mr. Hopkins made his first appearance in the public service, in the humble station of town-clerk of Scituate, from which he rose, through almost every gradation of office, to the highest dignity of the state. He continued to hold the situation of town-clerk, and of president of the town-council, to which he was chosen in March, 1735, till the twenty-fourth of December, 1741, when he resigned in consequence of his intended removal from the town. About this time, he was also clerk of the court, and clerk to the proprietors of the county. In June, 1732, he was elected a representative to the general assembly from Scituate, and continued to discharge the duties of that appointment, with fidelity and ability, until the year 1738. In May, 1736, he was appointed a justice of the peace, and one of the justices of the court of common pleas. In May, 1739, he was appointed chief-justice of that court.

He was extensively employed, till an advanced age, in the business of surveying lands. In 1737, he revised the streets, and projected a map of Scituate, for the proprietors; and performed the same duty in Providence, after he had established his residence in that town. In 1740, he was chosen surveyor by the proprietors of land in the county of Providence, to make returns, and an index-book, of all the lands laid out west of the seven-mile-line: the completion of these returns was attended with great labour, and they continue, to this day, to be highly useful. The nicety of his calculations, and perfect knowledge of the business, is attested by a venerable living witness, who, about the year 1769, accompanied him in the survey of a tract of land, in Scituate. Having passed through a thick shrubby plain, Mr. Hopkins found that his watch, which cost twenty-five guineas in London, was missing. Supposing that the chain had become entangled in the bushes, and the watch thereby pulled from his pocket, he set the course back, and found it hanging on a bush.

In 1741, he was again a representative of Scituate in the general assembly, of which he was chosen speaker.—Providence originally contained all the towns now comprised in the county, but, in 1730, it was divided, and Scituate, Gloucester, and Smithfield, were erected into separate townships; thus, although Mr. Hopkins was a native of Providence, he lived in that part of it which is now called Scituate, about fifteen miles from the former present town. In 1742, he sold his farm and removed to Providence, where he commenced business as a merchant; building, owning, and fitting out vessels. In the same year, the general confidence reposed in his abilities and integrity, was evinced by his appointment to represent the town into which he had just removed his residence, in the assembly, of which he was again elected speaker. After an interval of one year, he was again chosen a representative in 1744, as well as speaker of the house; and in the same year, was appointed a justice in Providence. In 1746, being re-elected to the same responsible stations, he continued faithfully to discharge their duties, during the years 1747, 1748, and 1749. In May, 1751, he was, for the fourteenth time, a representative in the assembly, and in the same year, received the appointment of chief justice of the Superior Court, which he continued to hold until the year 1754.

In the year 1754, a convention of delegates from the different colonies was appointed to meet at Albany, to hold a conference with the Five Nations of Indians, on the subject of French encroachment, and to secure their friendship in the approaching war. Availing themselves of this opportunity, the governors of the different colonies, at the recommendation of governor Shirley, of Massachusetts, advised their commissioners, in general terms, of a proposed plan of union; but no direct authority for concerting any system, was given by any other of the colonies, than Massachusetts and Maryland. The meeting of the delegates was held on the eleventh of July, and after the business with the Indians had been concluded, a committee, consisting of one member from each colony, was directed to prepare and report a plan of union. The essential principles of the plan reported, and afterwards agreed to on the fourth of July, were objected to, both in America and England; and it, consequently, did not prevail.—Mr. Hopkins was a commissioner to this congress from Rhode Island.

In the month of May, 1756, he was elevated to the office of chief magistrate of the colony of Rhode Island, and continued to occupy this dignified station, at intervals, for seven years. In 1758, he was again elected, and served, thereafter, with firmness and justice, during the years 1759, 1760, 1761, 1763, 1764, and 1767. His conduct as governor, was dignified and decided. Keeping a single eye towards the prosperity of his native country, he did not hesitate to urge and support whatever measures appeared best calculated to promote the colonial interest, nor to resist every encroachment on the just rights and liberties of his constituents. During a long period, he was engaged in a party contest, grounded upon no real principle discoverable to a modern eye, with governor Ward, in which he was annually alternately successful, or defeated. But, if Mr. Hopkins, from a conscientious belief in the propriety of his political views, was opposed to particular men and measures, he was neither so bigoted nor ambitious, as to set forth his own particular opinions, or personal aggrandisement, in array against the peace and prosperity of the colony; and the real nobility of soul, and *disinteressement* of character, with which, like the illustrious Roman, he voluntarily resigned the reins of government, and retired (for a season) to private life, in order to appease the passions of party, constitute one of the brightest incidents of his life.—In the year 1767, while Mr. Hopkins filled the executive chair, the politics of the colony were carried to great excess. Impressed with the danger to be apprehended from these growing animosities, and anxious to conciliate and unite the contending factions which had so long distracted the province, he nobly resolved to retire from the office of governor, rather than be, in any way, instrumental in fostering the spirit which then prevailed. In a message, therefore, to the general assembly, dated the twenty-eight of October, 1767, he included the following remarks:—"*Thirdly*, I must mention the different strifes and party disputes, that have so long divided and harrassed this unhappy colony, and desire you to discover some method to heal our breaches, prevent animosities, and introduce peace and harmony, and consequently happiness, among the people. In order to this, I am willing and ready, and freely offer, to resign and give up the office (of governor) that I sustain, and do every, and any other thing, in my power, that may, in any way, contribute towards so desirable an end, as the peace of the colony. Neither do I believe this to be a business unbecoming the dignity of the general assembly; but trust that, by their care and wisdom, assisted by the sober and well-meaning part of the people, peace may be restored to the colony, authority to its magistrates, and harmony among its inhabitants."—Nor was his pen otherwise idle in support of so desirable a consummation. The essays which he composed on the subject, display considerable merit, united with decision, and unsparing, but dignified severity. "When we draw aside," he remarked, "the veil of words and professions, when we attend to what is done, not to what is said, we shall find, in the present age of our country, that liberty is only a cant term of faction, and freedom of speaking and acting, used only to serve private interest and a party.—What else can be the cause of our unhappy disputes? What other reason for the continual struggle for superiority and office? What other motive for the flood of calumny and reproach cast on each other?—Behold! the leading men meeting in cabals, and from thence dispersing themselves to the several quarters, to delude and deceive the people. The people are called together in tippling houses, their business neglected, their morals corrupted, themselves deluded; some promised offices for which they are unfit; and those who have disputes with their neighbours, are assured of their causes, whether they be right or wrong: those with whom these arts will not prevail, are tempted with the wages of unrighteousness, and offered a bribe to falsify their oath, and betray their country. By these scandalous practices, elections are carried, and officers appointed.—It makes little difference whether the officer who, in this manner, obtains his place, is otherwise a good man or not; for, put in by a party, he must do what they order, without being permitted to examine the rectitude even of his own actions. The unhappy malady runs through the whole constitution: men in authority are not revered, and, therefore, lose all power to do good; the courts of judicature catch the infection, and the sacred balance of justice does not hang even; all complain of the present administration, all cry out the times are hard, and all wish they might grow better; but complaints are weak, wishes are idle, cries are vain, even prayers will be ineffectual, if we do not universally amend:—but no friend, no patriot, will step in, and save the commonwealth from ruin. Will no good Samaritan come by, and pour in the wine and oil into the bleeding wounds of his country?"—In the person of Stephen Hopkins, were united the friend, the patriot, and the good Samaritan. Urging, and obtaining, the co-operation of his friends, in the great task of effecting an union of clashing sentiments and interests, his perseverance and industry at length prevailed, after great labour and difficulty, and the two parties united in choosing a third person, not particularly attached to either of them, as governor of the colony: this event, together with a fair division of offices, was followed by peace and harmony, and the spirit of party, in a great measure, subsided.

The integrity which marked the character of governor Hopkins, may be, in an important degree, inferred from the following portion of an essay, written in the year 1767, relative to the duties of freemen, both in the privilege of suffrage, and in office: "Permit me, therefore, to remind my countrymen, of the blood, the sufferings, the hardships, and labour, of their ancestors, in purchasing the liberty and privileges they might peaceably enjoy. How can they answer it to their posterity, to fame, to honour, to honesty, if they do not possess those inestimable blessings with grateful hearts, with purity of morals, and transmit them with safety to the next generation? Nothing is desired but that every man in the community may act up to the dignity of his own proper character. Let every freeman carefully consider the particular duty allotted to him as such, by the constitution; let him give his suffrage agreeable to his oath, with candour, for the person he sincerely thinks best qualified; let him shun the man who speaks to him to persuade him how to vote; let him despise the man who offers him an office, and spurn the sordid wretch that would give him a bribe; let him think it his duty to give his vote according to his conscience, and not depend on others to do his duty for him: Let him know that, as duty is not local, so neither is capacity or fitness for office confined to this or that town, or place.—Those, by such means made officers, and magistrates, I would humbly entreat to consider, that a burden, not a benefit, is given to them; that their turn has arrived to serve the commonwealth, not themselves; that it is a great honour to be esteemed capable, and to be really worthy, of serving their country, that their own discreet and exemplary behaviour is their chiefest and best authority to do good in their offices; that, it is vain to command others to practise what we ourselves omit, or to abstain from what they see us do; that, where moderation and example are insufficient to suppress vice, power ought to be used even to its utmost severity, if necessary; and, above all, that justice should be, in all cases and under all circumstances, equally, impartially, and expeditiously, administered."—This extract contains a political creed founded on the soundest maxims of policy, and the purest precepts of moral law; conveyed, too, in that simplicity of language, alike open to the comprehension of all, and which, finely contrasted to the flimsy finery and ranting rhapsodies of modern rhetoricians, so strongly marked the speeches and compositions of our fathers.

Governor Hopkins was, whether right or wrong, the founder of that measure so fiercely reprobated and resisted by the British ministry;—furnishing the French and Spanish colonies with provisions and supplies, during war; and, for that purpose, he was accustomed to grant licences to the vessels of Rhode Island.—A trade had been, for a long time, carried on between the British and Spanish colonies in America, to the great advantage of both, but particularly of the former. This trade did not clash with the spirit of any act of parliament made for the regulation of the British plantation trade. Besides this trade carried on between the British American colonies in general, there had, also, for a long time, subsisted one, equally extensive, between the British North American colonies in particular, and the French West India ones, to the great benefit of both, as it consisted of such goods, as must otherwise have remained a drug, if not an incumbrance, upon the hands of the possessors; so that it united, in the strictest sense, all those benefits which liberal minds include in the idea of a well-regulated commerce, as tending, in the highest degree, to the mutual welfare of those who carry it on. The mother country enjoyed a sufficient share of the benefits derived from this trade, to wink at it, although it was not strictly according to law; and it was permitted to be carried on, for a long time, even after hostilities had commenced between Great Britain and France, directly, by means of flags of truce, and in a circuitous manner, through the Dutch and Danish Islands. At length, the vast advantages which the French received from it above what the British could expect, in consequence of all their West India Islands being, in a great measure, blockaded, determined the government to put a stop to it.—The correspondence of governor Hopkins with Mr. Pitt, on this occasion, exhibited uncommon marks of a bold and independent spirit; and the answers of the minister were characteristic of his usual firmness and sagacity.

When the difficulties between the colonies and Great Britain began to grow more certain and alarming, governor Hopkins evinced the same determined zeal for the rights and prosperity of the former, and took an early, active, and decided part in their favour. In 1765, he wrote a sensible pamphlet, containing about twenty-four pages, 4to, in support of the rights and claims of the colonies, and entitled, "The Rights of the Colonies Examined," which was read before the general assembly, and by them ordered to be printed. Although this pamphlet was principally directed against the stamp act, passed in the preceding, and repealed in the succeeding years, yet it embraced pertinent remarks on the court of admiralty, trials by jury, the sugar and molasses duty act, &c. &c. &c.

During the prosecution of the French war, in which the North American colonies so nobly participated, the campaigns of 1755, and 1756, terminated in defeat and utter disappointment. The earl of Loudoun, who commanded his majesty's forces, made a requisition of four thousand men for the ensuing campaign of 1757, from New England, four hundred and fifty of whom were apportioned to Rhode Island. The requisitions of lord Loudoun being complied with, he found himself, in the spring, at the head of a very considerable army. Sailing from New York with six thousand regulars, he effected, without opposition, a junction at Halifax, with George viscount Howe, who had lately arrived there with a re-enforcement of five thousand British troops. The British general had resolved, as the plan of the campaign, to leave the posts on the lakes strongly garrisoned, and direct the whole of his disposable force against Louisbourg, on the island of Cape-Breton. But owing to the arrival of a French fleet from Brest, and the augmented strength of the garrison, all hopes of success were abandoned, and the enterprise was postponed until the next year. In August, lord Loudoun returned to New York, and dismissed the provincials.

The marquis de Montcalm, commander of the French forces, feeling perfectly secure with respect to Louisbourg, determined to avail himself of the absence of the principal part of the British force, and to obtain complete possession of Lake George. With an army of nine thousand men, composed of French, Canadians, and Indians, he accordingly laid seige to Fort William Henry, which was strongly fortified, and garrisoned with three thousand men. Notwithstanding the strength of the place, the French general urged his approaches with so much vigour, that articles of capitulation were signed by the commandant of the fort, within six days after its investment. When this important place was surrendered, lord Loudoun had not yet returned from Halifax. It was feared that the loss of fort Edward, situated in its vicinity, and garrisoned with four thousand men, under the command of general Webb, would quickly follow that of fort William Henry, and the whole northern frontier be completely laid open to the formidable enemy which now threatened its invasion. On the first approach of the enemy towards him, general Webb applied for additional troops, and the utmost exertions were made to furnish him from the militia, with the assistance he required; and it is not improbable, that those exertions were among the causes which restrained Montcalm from marching against fort Edward.

The disgraceful and cruel outrages and murders committed by the savages of the French army, after the surrender of fort William Henry, notwithstanding the personal protection to which the garrison was entitled, produced great excitement throughout the colonies, in which the inhabitants of Rhode Island largely participated. Mr. Hopkins rendered himself peculiarly active and conspicuous on the occasion, and his signature stands first recorded on the following agreement, entered into the fifteenth of August, 1757:

"*Whereas* the British colonies in America are invaded by a large army of French and Indian enemies, who have already possessed themselves of fort William Henry, and are now on their march to penetrate farther into the country, and from whom we have nothing to expect, should they succeed in their enterprise, but death and devastation; and, as his majesty's principal officers in the parts invaded, have, in the most pressing and moving manner, called on all his majesty's faithful subjects, for assistance to defend the country;—*Therefore*, We, whose names are underwritten, thinking it our duty to do every thing in our power for the defence of our liberties, families, and property, are willing, and have agreed, to enter voluntarily into the service of our country, and go, in a warlike manner, against the common enemy; and hereby call upon, and invite, all our neighbours who have families and property to defend, to join with us in this undertaking, promising to march as soon as we are two hundred and fifty in number, recommending ourselves and our cause, to the favourable protection of Almighty God."

Mr. Hopkins was chosen to command this company of volunteers, composed of almost all the leading men in the town of Providence. The militia of the state, under colonel John Andrews, had already marched, and the volunteers were preparing to follow them: when, on the day preceding their intended departure, an express arrived with intelligence that their services were no longer necessary. The return of lord Loudoun to New York, with the regular army, had removed all fear of an invasion; the militia of Rhode Island returned, and the heavy affliction created among the families and friends of the fathers of the town and their associate volunteers, was dispelled.

Mr. Hopkins again appeared in the general assembly, as a representative from Providence, in 1772, 1773, 1774, and 1775; although, during the last two years, he was also a delegate to the general congress. Having, in 1775, been a second time appointed chief justice of the superior court, he presented in his person, the singular spectacle of an individual holding, at the same instant, the three honourable and important offices of member of assembly, delegate to congress, and chief justice.

On the tenth of August, 1774, he was appointed, together with the honourable Samuel Ward, to represent the colony of Rhode Island, in the general congress which met in Philadelphia on the fifth of September, in order to consult upon proper measures to obtain a repeal of the several acts of the British parliament, for levying taxes on his majesty's subjects in America, without their consent; and upon proper measures to establish the rights and liberties of the colonies upon a just and solid foundation. Mr. Hopkins took his seat in that august assembly, on the first day of its session, and was a member of the first two committees, appointed by congress;—the one to state the rights of the colonies in general, the several instances in which those rights were violated or infringed, and the means most proper to be pursued for obtaining a restoration of them;—the other, to examine and report the several statutes affecting the trade and manufactures of the colonies.

But, while he principally assisted in the general council of the nation, in 1774, his services were extended to the assembly of Rhode Island, of which he was also a member. It was principally owing to his influence and exertions, that an act, the preamble and body of which were dictated by him,* was passed by that assembly, in June, 1774, prohibiting the importation of negroes into the colony.

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* "Whereas, the inhabitants of America are generally engaged in the preservation of their own rights and liberties, among which that of *personal freedom* must be considered as the greatest; and as those who are desirous of enjoying all the

But it was not only by precept, but example, that his views of slavery were demonstrated. In the year 1773, he emancipated a number of people of colour whom he had before held as slaves; and previous to that period, he had decreed their freedom, by his last will and testament. Many of their descendents are now living, as free men and women, in Providence, of good character, and in easy circumstances.

At this period, Mr. Hopkins was also one of the committee of safety of the town of Providence. On the seventh of May, 1775, he was re-elected a delegate, and on the eighteenth of that month, took his seat in the second congress; being, at the same time, a representative in the legislature of his native state. On the fourth of May, 1776, he was again elected to congress, bearing with him to the seat of the general government, the most firm and energetic instructions, by which, with his colleague, Mr. Ellery, he was authorised and empowered, to consult with the delegates of the United Colonies, in congress assembled, upon the most proper measures for promoting and confirming the strictest

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advantages of liberty themselves, should be willing to extend personal liberty to others, *Be it*, &c. &c.

union and confederation among them, and to secure to them, their rights and liberties, both civil and religious: he was also instructed and directed, to exert his utmost abilities in carrying on the just and necessary war, in which the colonies were engaged against cruel and unnatural enemies, until peace should be restored, and their rights and liberties secured upon a solid and permanent basis. —Thus he was a member of that immortal congress which declared the colonies to be free, sovereign, and independent states; and his signature is attached to that sublime and imperishable instrument, which has no prototype in the archives of nations.—His signature indicating on the declaration of independence, a very tremulous hand, in perfect contrast with the bold, nervous, and prominent, writing of the president, (which has been alluded to in exemplification of his character,) it may have engendered surmises unfavourable to the determined spirit of Mr. Hopkins, as acting under the influence of fear. It is, therefore, proper to state, that, for a number of years previous, he had been afflicted with a nervous affection; and when he wrote at all, which was seldom, he was compelled to guide his right hand with the left. The venerable Moses Brown, of Providence, has, on various occasions, acted as his amanuensis, on committees of the assembly, in the correspondence of the committee of safety, as well as in matters of business. In this manner he drew up the act of assembly, of 1774, against the slave trade, while Mr. Hopkins, during his dictation, was walking to and fro in the room.

In 1776, he was chosen a commissioner to meet delegates from the states of New Hampshire, Massachusetts, and Connecticut, and advise and consult on ways and means, more immediately, for the defence and protection of the New England States, and, generally, for the promotion, and defence, of the common cause. These commissioners met in Providence, and elected Mr. Hopkins their president. In the following year, he also presided over the meeting of commissioners, held at Springfield, in Massachusetts, on the thirtieth of July.

After the intervention of a year, he was, for the last time, elected a deputy to congress, on the eighth of May, 1778; and, during the years 1777, 1778, and 1779, served with untiring zeal in the general assembly of Rhode Island, although he was now seventy-two years of age.—He discharged his congressional duties with great ability and faithfulness, and with equal advantage to his own reputation and to the public interest. Being, professionally, conversant with the business of shipping, he was particularly useful in the committees appointed to fit out armed vessels, to devise ways and means for furnishing the colonies with a naval armament, and in the deliberations on the rules and orders for the regulation of the navy. He was, also, a distinguished member of the committee, appointed, in June, 1776, to prepare and digest the form of a confederation to be entered into between the colonies, which, although it proved, under future circumstances, to be but a rope of sand, was, at the time in which it was completed, of vast importance to the unanimity, and consequent success, of the revolutionary struggle.

Mr. Hopkins was one of those strong-minded men, who, by pure love of learning, and devotedness to study, have overcome the deficiencies of early education; and, it cannot be questioned, although, in most cases, preliminary instruction to a certain extent is indispensible, that information voluntarily acquired, is more strongly impressed upon the mind, and invites a more thorough investigation, than general tuition at all seasons and on all subjects, which is not unfrequently regarded with apathy and indifference. A common country school education, at that period, afforded little more than a knowledge of reading and writing. Upon this foundation, Mr. Hopkins, from the vigour of his understanding, and the intuitive energy of his mind, established a character not only prominent in the annals of his country, but in the walks of literature. Possessing a commanding genius, his constant and assiduous application in the pursuit of knowledge eminently distinguished him in the first class of literati. A leading and active promoter of literary and scientific intelligence, he attached himself in early youth to the study of books and men, and continued to be a constant and improving reader, a close and careful observer, until the period of his death. Holding all abridgments and abridgers, in very low estimation, it is cited, in exemplification of his habitual deep research, and the indefatigability with which he penetrated the recesses, instead of skimming the surface, of things, that, instead of depending upon summaries, and concentrated authorities, he perseveringly perused the whole of the great collection of ancient and modern history, compiled about half a century ago, by some distinguished scholars in Europe; and that he also read through all of Thurloe's, and other ponderous collections of state-papers. The advantages derived from this assiduity were, to him, particularly extensive, owing to his retentive memory, and ready recollection. An instance of this nature has been preserved: At a meeting of the owners of a vessel, of whom he was one, Mr. Hopkins sat down and made out his account, without any reference whatever to his books, although it necessarily included many items of small amount and consequence.—As a public speaker, he was an example worthy of imitation: always to the point, clear, concise, pertinent, and powerful; his eloquence was sometimes energetic, but generally calm, rational, and convincing;—never excursive, but commonly short and pithy. Skilled in many branches of the liberal arts, the poem, on the untimely fate of his son, murdered by the Indians, which has descended to our times, affords no indication of the possession of poetic talent.

Mr. Hopkins was esteemed an excellent mathematician. He greatly assisted in the important observations on the transit of Venus over the sun's disk, in June, 1769, a rare phenomenon, of the greatest consequence, because it affords the best, and indeed, the only accurate method of determining that most important problem in astronomy, the sun's parallax, or the angle under which the earth's semi-diameter appears from the sun; and it is only by a knowledge of the sun's distance from the earth, in some known measure, that a knowledge of the true dimensions of the solar system can be acquired. The first transit of

Venus was observed in 1739; and only two have since happened; the first in 1761, and the last in 1769. No other will occur before the year 1874, and the next to that will happen in 1996.—In 1769, all the learned societies of Europe made preparations for observing the approaching transit, and observers were sent to different parts of the world. The American Philosophical Society co-operated in these exertions, and made application to the legislature of Pennsylvania, for an apparatus adapted to the occasion. The pamphlet containing an account of the observations made at Providence, was dedicated to Mr. Hopkins, as a testimonial of the aid which he afforded, and the alacrity with which the work went on, when encouraged by his actuating genius. "Much might be said," it concludes, "with respect to your honour's superior abilities in mathematics and natural philosophy; but, without flattery, these are the least of your acquirements, when compared with your profound skill in civil police, and the wise government of a people."

Mr. Hopkins was instrumental in forming a public library in Providence, about the year 1750; and, when it was destroyed by fire, in the winter of 1760, was equally active and useful in promoting its re-establishment.—He was a member of the

American Philosophical Society, and, for many years, chancellor of the college of Rhode Island.

His just sentiments on the benefits derivable from the general dissemination of knowledge, may be gathered from the following preamble, written by him, to an act passed by the town of Providence, for the establishment of a Free School, to be supported by a tax.

"As it is confessed by all who have considered the subject, that nothing tends so much to the good of the commonwealth, as a proper culture of the minds of the rising generations; and as genius is often found in indigent, as well as affluent circumstances, all institutions of learning become so much the more useful, as they are the more free, and within the reach of the poor as well as the rich, in partaking of a virtuous and liberal education. The freemen of the town of Providence, having taken these things into their serious consideration, and being actuated by the noble principle of benificence, and the good of their country, *Do*, &c. &c. &c."

At the present time, there are five town-school-houses in Providence, in which one or more schools are constantly kept, at the expense of the town.

But it was in the character of the statesman and the patriot, that Mr. Hopkins was most conspicuous.

In an age fruitful in the production of eminent men, he was one among the most eminent. Warmed by an inextinguishable love of liberty, and considering the happiness of his country as the first object of pursuit, he obtained a perfect acquaintance with the history of mankind, the policies of the civilized world, the principles and systems of law, and the profound art of governing the hearts, as well as the persons, of men. Under the British administration, as a father to the people, and the guardian of their rights, liberties, and privileges, he invariably, and with unshaken resolution, opposed the strides of lawless power; and, with equal wisdom and firmness, entered the list of fame, and was one of those unparalleled legislators, who framed for the United States, the glorious principles of their revolution. He had scarcely attained the age of manhood, when he was called into the service of his country; and from that period his whole life was devoted to the prosperity and welfare of the public. A skilful legislator, an impartial judge, a learned chancellor, an able representative, and an upright governor,—he alternately sustained those important offices, with dignity and moderation. A decided advocate, and zealous supporter, both of civil and religious liberty, he was the friend of his country, and the patron of all good works.

Possessed of a sound, discriminating mind, and a clear and comprehensive understanding, he was alike distinguished for his public and private virtues, being as useful a private citizen, as he was an able and faithful public officer. An universal benevolence adorned his virtues, and his great study and delight was in doing good. Candid and upright in all his dealings with the world, he was more attentive to the concerns of his public stations, than to his pecuniary and private affairs. It is the testimony of a survivor, who was intimately acquainted with him during the last forty-five years of his life, that they were passed in a "useful and honourable manner." A friend to the poor, the fatherless, and the widow, he often tenderly advised and counselled them; maintaining their rights, and ministering to their comforts. Free of access, open and candid in his manners, his doors were as open as his heart to the voice and relief of affliction; and so genuine was his charity, that it was remarked by his friends, that he conferred more benefits on his political enemies, than on them. An affectionate husband, and a tender parent, he was greatly attached to the regular habits of domestic life. Exemplary, quiet, and serene, in his family, he governed his children and domestics in an easy and affectionate manner. A visit which general Washington made, unattended, to governor Hopkins, is stated, by a living witness of the interview, to have strongly exhibited the simple, friendly, pleasant, and easy, manners, of those illustrious men.—Although his pecuniary circumstances were comparatively small, particularly considering his abilities and station in life, yet he possessed a competency, and visiters, particularly travelling ministers, &c. of the Society of Friends, were always kindly welcomed and entertained at his hospitable mansion.

Stephen Hopkins, although sectional spirit endeavoured ineffectually to brand him with the eternal stigma of infidelity, was a firm believer in the Christian religion; and he has been heard, by a friend now living, to confound gainsayers, by the force of his arguments in support of it. He contemplated religion as a divine system formed by the Universal Parent, connecting rational beings in a common interest, and conducting them to unbounded felicity. Not bigoted in his belief, he treated all societies of religious people with respect; labouring, on proper occasions, to moderate the overflowing zeal of those over whom he had any influence. An instance of this friendly interference is still held in remembrance: At one of the evening meetings of the people called New Lights, who, at an early period, separated from the first Congregationalist church in Providence, the minister, in his zeal, held up a young lad before a large fire, and greatly terrified him by the interrogatory, whether he would rather be cast into such a fire, or go to the Lord Jesus. This circumstance caused the people without, to treat the matter, the minister, and the meetings, with great disrespect. Governor Hopkins, being well acquainted with the principal actor, sent for him, and conversed with him on the subject. His arguments on the impropriety of such proceedings were so convincing, that the clergyman never after repeated the practice, and, although he continued to be a zealous and pious christian, he became a more moderate, and consequently, more useful, minister of the gospel, and always retained a high respect for, and remained the friend of, his adviser.

But, although he was a liberal minded Catholic christain, he did not hesitate to acknowledge his disbelief in the doctrine of Predestination; and he strongly opposed the idea, that a certain number of mankind were fore-ordained to be saved, and another portion to be rejected, by a Heavenly Father, who is no respecter of persons. His general sentiments on this abstruse subject, are embraced in the following propositions:

"Suppose," he says, "two men, by their own crimes, plunged into a horrible pit, in which they could exert no effort of their own to get out; nay, more, saw not their miserable situation, and had not so much as a wish to come out, were they able. A powerful agent, at hand, was able to help them; and he, of his own mere pleasure, plucks out one, and leaves the other where he was, without any offer to help him. What doth this exhibit to our view, except a capricious exertion of arbitrary power, unaccompanied by justice, which always requires an equal conduct to all under similar circumstances?

"Vary the metaphor:—the two men in the same condition as above, the agent kindly offers to take them both out, if they do not resist him. One is passive, and is taken out; the other resists, and is left in the pit. Is not the agent, in this last case, placed in a much more amiable point of view,—free grace higher exalted,—strict justice better observed,—and all merit equally excluded?

"Again, to vary the metaphor:—the two men in the same condition as above, the agent sends a message to them, to inform them of the miserable condition they are in, and that he is willing and able to take them out and preserve them from falling in again, if they follow his direction. One believes the message, and resolves to follow the directions, and, in consequence of it, is taken out; the other disbelieves the message, and, therefore, is left in the pit.—Is not free grace as highly exalted, justice as well preserved, and merit as much excluded, in this, as in either of the other cases?

"*Quere:* Which of these suppositions agrees best with the plan of the Gospel, as set forth in the New Testament?"

Governor Hopkins professed the principles of the society of Friends, at whose places of worship he was a regular attendant; and his second marriage took place in Friend's meeting, although he does not appear to have held the right of membership. His house was the resort of the ministers, elders, and other members, engaged in religious visits; and the usual place of meeting in Providence being contracted, the general religious meetings of the society were, in the winter season, frequently held at his dwelling.

He was a perfect man of business; having been extensively engaged in trade and navigation, and also concerned in agriculture and manufactures. As a farmer, he devoted himself, when disengaged from public affairs, to the practical parts of agriculture; as a merchant, he was skilled in almost all kinds of commerce; and, as a manufacturer, he was concerned in iron works, which made pig-iron, hollow-ware, cannon for the United States, &c. &c. &c. He pursued these employments with various successes, without having become rich, nor yet destitute of the comforts of life.

In the year 1726, he was united in marriage to Sarah Scott, the paternal great-grand-father of whom, was the first settler, of the society of friends, in Providence. She died of a lingering disorder, on the ninth of September, 1753, in the forty-seventh year of her age. In addition to the loss of his wife, it was the lot of Mr. Hopkins to be afflicted with the heaviest family bereavements. Of five sons, one died in the eighth year of his age;—another fell a victim to the small-pox, in Spain;—a third, perished at sea;—and a fourth, was cruelly murdered by savages.—The offspring of his first union were seven in number: Rufus, the oldest child, became master of a ship; afterwards owner, and agent in the management of the Hope Furnace; and died in Scituate.—John, the second son, was also a sea-captain, and died of the small-pox, in the twenty-fourth year of his age, at St. Andero, in Spain, while in his father's employ.—Ruth, the third child, died at an early age.—Lydia, the next daughter, married in Providence, and left numerous descendants.—Sylvanus, the third son, also commander of a vessel, after having been shipwrecked on the Cape Breton shore, was surprised, and barbarously murdered by the Indians, about the twenty-fourth of April, 1753: he was in the nineteenth year of his age.—Simon, the fourth son, died between the age of seven and eight years.—George, the seventh and last child, was the fourth sea-captain of the family: the ship in which he sailed as commander, never again returned, nor were any tidings of her fate ever received.

On the second of January, 1755, governor Hopkins found a second wife in the person of Anna Smith, widow of Benjamin Smith. She was a pious and amiable woman, and a member of the society of friends, according to whose regulations the marriage ceremony was performed.—In person, he was of the middle size, well formed and proportioned; his manners were mild and unostentatious; and his features, manly, comely, and prepossessing.

This great and good man closed his long, honourable, and useful life, on the thirteenth of July, 1785, in the seventy-ninth year of his age. His last illness was a lingering fever, slow in its advances, and mild in its features; and he retained full possession of his faculties and tranquillity, to the period of his dissolution. A full persuasion of the unbounded goodness of the Deity, brightened the prospect of his future happiness. As in life he had despised the follies, so in death he rose superior to the fears, of an ignorant and licentious world; and he expected with patience, and met with pious and philosophic intrepidity, the stroke of death.—The judges of the courts; the president, corporation, and students, of the college; a great number of distinguished characters from different parts of the state; a prodigious concourse of respectable citizens; and a numerous train of mourning relatives; composed the funeral procession, which, on the fifteenth of July, 1785, followed the remains of Stephen Hopkins to the tomb. "Blessed are the dead which die in the Lord;" "they rest from their labours, and their works do follow them."

M'KEAN.

THE lives of most men pass away unobserved, unheeded and unknown, out of the particular family circle to which they are attached. They spring into existence, and sink into the grave, amid the general mass of perishable matter, without seeking to separate themselves from it, or be distinguished, by a distinct course, from the cradle to the tomb. Those who emerge from this general obscurity, and become eminent for their talents and virtues, are characters peculiarly adapted for the delineation of the historical pencil, because their example may prove useful to others.

Few of the splendid luminaries which have adorned the political firmament of the republic, possess stronger claims to this distinction than THOMAS M'KEAN. Living in turbulent and tempestuous times, beset with trials and difficulties, frequently assailed by the ambition, the envy, and the malice, of powerful individuals, and the flattery or hatred of different parties, he served in public stations of government for the long term of fifty years, during which, he uniformly retained his fortitude and integrity, and the well-merited confidence of his fellow citizens.

Thomas M'Kean was born on the nineteenth of March, 1734, in the township of New London, county of Chester, and the then province of Pennsylvania. His father, William M'Kean, was a native of Ireland, and was united in marriage, in this country, to Lætitia Finney, of the same nation. They had four children,—Robert, Thomas, Dorothea, and William.

After the customary elementary education in reading, writing, and arithmetic, the two eldest sons were placed under the tuition of the reverend Francis Allison, D. D., a man who, for more than forty years, supported the ministerial character with dignity and reputation, and to whom America is greatly indebted for that diffusion of light and knowledge, and that spirit of liberty and inquiry, which has placed many of her sons upon a level with those of the oldest nations of Europe. Thomas was, at this time, nine years of age. When he had completed the regular course of instruction adopted in the celebrated institution of Dr. Allison, and acquired a sound knowledge of the languages, of the practical branches of the mathematics, rhetoric, logic, and moral philosophy, he went to New Castle, in Delaware, and entered the office of his relative, David Finney, esquire, as a student at law. Some months afterwards, he engaged as clerk to the prothonotary of the court of common pleas;—a situation which enabled him to learn the practice, while he was studying the theory, of the law. In about two years from this time, his assiduity and good conduct procured him the appointment of deputy prothonotary, and register for the probate of wills, &c. for the county of New Castle, which he retained until he was twenty years of age: the whole duties of the office necessarily devolved on him, as his principal resided on his estate in the county of Sussex, nearly eighty miles from New Castle.

So great was the reputation that Mr. M'Kean acquired, even in youth, by his industry and talents, that, before he had attained the age of twenty-one years, he was admitted an attorney-at-law in the courts of common pleas for the counties of New Castle, Kent, and Sussex, and also in the supreme court. Before the expiration of a year, he obtained a considerable share of business; and, in 1756, was admitted to practise in the court of his native county of Chester, and soon afterwards, in the city and county of Philadelphia. In 1756, the attorney-general, who resided in Philadelphia, appointed him, not only without any solicitation, but without any previous knowledge on his part, his deputy to prosecute the pleas of the crown in the county of Sussex: he resigned this office, after having for two years performed its duties with judgment and ability. In 1757, he was admitted to the bar of the supreme court of the province of Pennsylvania. The envy which the success of the young lawyer occasioned among some of his professional brethren, served merely as an additional spur to his industry, and increased his assiduity in the pursuit of legal knowledge. In the same year, he was elected clerk of the house of assembly, an honour of which he was unapprised until he received information of his appointment from Benjamin Chew, esquire, the then speaker: in 1758, he was again appointed to the same station, but after that period, declined a reelection. In 1762, he was selected by the legislature, together with Cæsar Rodney, esquire, to revise and print the laws passed subsequently to the year 1752, a duty which they speedily and satisfactorily executed.

In the same year, Mr. M'Kean first embarked on the stormy sea of politics, which he afterwards braved for nearly half a century. In October, 1762, he was elected a member of the assembly from the county of New Castle, and was annually returned for seventeen successive years, although, during the last six years of that period, he resided in Philadelphia, and had frequently, through the medium of the public papers, communicated to his constituents his desire to decline the honour of a re-election. At length, on the first of October, 1779, on the day of the general election in Delaware, he attended at New Castle, where he addressed his constituents in a long and eloquent speech, embracing a summary view of the situation and prospects of the United States, the aspect of the war, and the wisdom and perseverance of the national councils: he concluded by assigning satisfactory reasons for declining to be considered one of the candidates for the state legislature.—Mr. M'Kean now received an honourable and interesting evidence of the confidence reposed in him by his fellow citizens. Soon after he had withdrawn, a committee of six gentlemen waited on him, in the name of the electors, and informed him that they would unwillingly dispense with his services in the assembly, but requested that, as the times were critical, and they could perfectly rely on his judgment, he would recommend seven persons in whom they might confide as representatives for that county. This novel mode of exhibiting their confidence, unavoidably excited some surprise, while it placed Mr. M'Kean in a very delicate situation. He immediately replied, that although the compliment was of the most flattering kind, he entreated the committee to make known to the electors his grateful acknowledgment of the honour intended him, but as he knew not only *seven*, but *seventy* of the gentlemen then present at the election, whom he considered worthy of their votes, he felt assured that they would not, on reflection, expose him to the hazard of giving offence to any of his friends, by the preference which he must necessarily show, in complying with their request. After hearing this reply, the committee retired; but soon after returned, and stated, that the electors, after taking his objections into consideration, had unanimously resolved to reiterate their request, accompanied by the assurance that his compliance, so far from offending any individual whatever, would be considered as an additional favour conferred on the county. Mr. M'Kean, accordingly, but with great reluctance, wrote down seven names, which he delivered to the committee, with the observation, that this act would at least evidence a reciprocity of confidence between them. The election resulted in the choice of the seven gentlemen whom he had thus named, the lowest on the ballot not wanting two hundred votes of all the electors present, who amounted to more than eighteen hundred.

Parties will exist in all popular governments. At the period when Mr. M'Kean first appeared in public life, Delaware was divided into two parties, designated by the names of court, and country. The leading members of the former were the governor, the officers of government, and expectants of office; the latter, of which Mr. M'Kean was a distinguished member, was composed of those who desired an independent judiciary, and impartial laws. The judges, magistrates, and every other officer in the province, held their commissions during the pleasure of the governor, or of some of his favourites. Hence, when a practising lawyer, as was generally the case, enjoyed this enviable situation, the judges of all the courts were evidently under an undue influence, and justice was frequently perverted.

In 1764, he was appointed, by an act of the legislature, one of the three trustees of the loan office for New Castle county, for four years; which trust was renewed in the years 1768, and 1772. This species of loan was one of the most happy expedients for the encouragement of industrious settlers in a new country, and for the improvement of lands, that was ever invented.

After the conclusion of the war between Great Britain and France, in 1763, parliament made a grant of many thousand pounds sterling for the relief of the several colonies which had honourably exerted themselves during the conflict: and yet, in less than two years after the peace of Paris, the famous stamp act was passed, which, had it gone into operation, would not only have annually extorted an immense sum from the colonists, but subjected their property to the absolute disposal of men over whom they had no control, and who benefitted themselves in proportion to the amount of taxes thus arbitrarily imposed on their fellow subjects in America. To avert, if possible, the impending evil, the assembly of Massachusetts Bay, proposed to the legislative assemblies of the other colonies, to appoint delegates to a general congress, to consult together on the existing circumstances of the colonies;—to consider of a general and united, dutiful, loyal, and humble, representation of their condition, to his majesty, and to the parliament;—and to implore relief from the difficulties necessarily arising from the operation of the acts for levying duties and taxes on the colonies. This illustrious body, of which Mr. M'Kean was a member from the counties of New Castle, Kent, and Sussex, on Delaware, assembled at New York, in October,

1765. Their proceedings discover a spirit of decision and firmness, totally irreconcilable with a state of servitude, and ready to adopt every expedient for relief, which prudence could suggest, or fortitude achieve. These struggles, with the difficulties which the people encountered in forming a convention, unknown to the laws, and opposed by the royalists invested with power, were honourable to the cause, and to its agents. With an eye steadily fixed on freedom, and minds chafed with the superciliousness of mercenary minions of oppression, they nobly resolved to systematise an opposition to the growing tyranny of the mother country. They did so; and therein generated a spirit of *union*, which finally brought about the independence of the country, and led to the establishment of its present happy constitution. But, although such was the character of the great majority of the assembly, it possessed, upon the whole, much less fortitude than the succeeding congress of 1774; in fact, certain members appeared as timid as if engaged in a traitorous conspiracy. Among the most conspicuous characters, James Otis appeared to be the best and boldest speaker: he was nominated as president of the congress, but brigadier Timothy Ruggles succeeded by one vote, owing to the number of the committee from New York, the members then voting individually. Before the commencement of the proceedings, however, it was made a *sine qua non* on the part of Mr. M'Kean, and resolved accordingly, that the committee of each colony should have one voice only, in determining any questions that should arise in the congress. He was selected, with Mr. Livingston and Mr. Rutledge, to inspect and correct their proceedings and minutes; and appointed, with Mr. Lynch and Mr. Otis, to prepare an address to the house of commons. He displayed, on every occasion, that unbending firmness and energy, which characterised his subsequent public conduct.

The stamp act congress, as it was called, having framed a declaration of rights and grievances, together with an address to his majesty, and memorials to the lords and commons, was dissolved on the twenty-fourth of October, 1765. A few members of this body were either suspected of being inimical to its designs, or acted in such a manner as if they were more desirous of ingratiating themselves with the British ministry, than serving their country. When the business was concluded, and on the last day of the session, the president, and some timid members, refused to sign the proceedings. Mr. M'Kean then rose, and addressing himself personally to the president, remarked, that as he had not made a solitary objection to any of the measures which had been finally adopted, nor a single observation indicative of disapprobation, he requested that he would now assign his reasons for refusing to sign the petitions. To this demand, the president replied, that he did not conceive himself bound to state the cause of his objections. Mr. M'Kean rejoined, that the gentlemen present had met together to endeavour to obtain the repeal of an unconstitutional and oppressive act of the British parliament, and a redress of other grievances; —that, as unanimity and harmony had hitherto prevailed amongst them, it appeared very extraordinary that any member should refuse to affix his name to what he had at least apparently approved, without any excuse, or observation, on the occasion;—and that, if there was any thing treasonable, offensive, or indecent, in their proceedings, he thought it would be an act of comity, nay of duty, to advise his brethren of it: Other delegates spoke briefly to the same purport. Thus pressed to an explanation, the president, after a long pause, observed, that "it was against *his conscience.*" Mr. M'Kean now rung the changes on the word *conscience* so long and loud, that a plain challenge was given and accepted, in the presence of the whole congress; but the president departed from New

York the next morning before the dawn of day.—Mr. Robert Ogden, then speaker of the house of assembly of New Jersey, also refused to sign the petitions, although warmly solicited by Mr. M'Kean in private, as well as by his colleague, colonel Borden. The great mass of the people were, at this time, zealous in the cause of America. Hence, Mr. Ogden was desirous of concealing, for some time, the adverse part which he had taken in the proceedings of the congress. He, accordingly, requested colonel Borden not to mention the circumstance among his more immediate constituents, and to use his influence with Mr. M'Kean, his son-in-law, to prevail on him to pursue the same course: but the latter would promise nothing more, than not to mention the matter as he passed through New Jersey, unless the question was put to him. The question was asked: in several different towns, he was requested to state the names of the gentlemen who had not signed the petitions, which he did without hesitation. In a few days, the speaker was burned in effigy in the town in which he resided, as well as in several others, and at the next meeting of the general assembly, he was removed from the office of speaker: the consequences to Mr. M'Kean were menaces of another challenge, not more fatal than the former.

On his return to New Castle, he, with his colleague, Mr. Rodney, reported their proceedings to the assembly of Delaware, and received the unanimous thanks of that house, for the energy and ability with which they had discharged their duties in the congress.

Mr. M'Kean continued to be engaged in various public employments. On the tenth of July, 1765, he was appointed by the governor, sole notary, and tabellion, public, for the lower counties on Delaware; and, in the same year, received the commission of a justice of the peace, and of the court of common pleas and quarter sessions, and of the orphan's court, for the county of New Castle. In November term, 1765, and February term, 1766, he sat on the bench which ordered all the officers of the court to proceed in their several duties, as usual, on *unstamped paper:* this was accordingly done; and it is believed that this was the first court in the colonies, that established such an order.

In 1766, he was licensed by the governor of New Jersey, on the recommendation of the judges of the supreme court, to practise as a solicitor in chancery, attorney-at-law, and counsellor, within all the courts in that provinee. In 1769, he was selected by the assembly to proceed to New York, and there to obtain copies of all documents relating to real estates in the lower counties on Delaware, prior to the year 1700: he faithfully discharged this duty, and the copies thus procured were established, by a law, as of equal authority with the original records. In 1771, he was appointed by the commissioners of his majesty's customs, collector of the port of New Castle; and in October, 1772, he was chosen speaker of the house of representatives.

Owing to a change of ministers in the British cabinet, and the apprehension of a serious opposition on the part of the colonies, the stamp act was repealed; but, at the same time, an act was passed, maintaining the right of the parliament to bind the colonies by law in all cases whatsoever. Two years had not elapsed from this period, before the government resolved to test this right, and derive a revenue from their colonies, by imposing a duty on the importation of teas, paper, painter's colours, and glass, which were prohibited from any other place than Great Britain. The impost was so small, that little opposition was anticipated: but there were patriots in the colonies who had not forgotten the stamp act; who deeply reflected on the consequences of submission, and who were fully aware that it would be established as a precedent, and that many an error, by the same example, would creep into the state. A correspondence accordingly took place among leading and influential characters throughout the continent; a powerful opposition was organised; and measures concerted to render it effectual. Public meetings were held in the principal commercial towns, and it was finally agreed, that the colonies should appoint delegates from their respective houses of assembly, to meet in Philadelphia, on the fifth of September, 1774. Firm and decided, uniform and energetic, in resisting the usurpations of the British crown, Mr. M'Kean, as he had before done in 1765, took an active part in the preparatory measures which led to the meeting of this congress; and was appointed a delegate from the lower counties on Delaware, although he had, a short time before, removed his residence permanently to Philadelphia.

An important era, not only in the history of America, but of man, had now arrived. Great events may not create, but they always will elicit and excite ability, and bring dormant talents into active operation; and, although the principal part of his life had hitherto been employed in laborious official engagements, Mr. M'Kean soon found that the times now required all the exertions of his mental and physical powers. On the fifth of September, he took his seat in the august assemblage, of which he became an invaluable ornament; and from that day, his country claimed him as her own. He was annually elected a member, until the first of February, 1783; serving in the great national council during the long, and uninterrupted, period of eight years and a-half.

Two remarkable circumstances, connected with this epoch, are peculiar to the life of Mr. M'Kean. In the first place, he was the only man who was, without intermission, a member of the revolutionary congress, from the time of its opening, in 1774, until after the preliminaries of the peace of 1783 were signed; for, notwithstanding he was also engaged in other important public affairs, his residence in Philadelphia induced his constituents to continue to return him.* The other circumstance is, that while he represented the state of *Delaware* in congress, until 1783, and was, in 1781, president of it, yet, from July 1777, he held the office, and executed the duties, of chief justice of *Pennsylvania*. Each of these states claimed him as her own; and for each were his talents faithfully exerted.

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* Roger Sherman, a delegate from Connecticut was, however, a member of congress from the time of its first sitting in September, 1774, until the month of February, 1782, and what is more remarkable, he was a member during the long period of *nineteen years*, except when the laws required a rotation in office.

Possessed of long tried ability and perseverance, apt in forming conclusions, and skilful in the details, as well as general principles, of public business, Mr. M'Kean's career in congress embraced a series of unremitting and distinguished services. A few days after the first sitting, he was appointed one of the committee to state the rights of the colonies, the several instances in which those rights were violated or infringed, and the means most proper to be pursued for the restoration of them. He served diligently on the important secret committee to contract for the importation of arms and ammunition; and his talents were equally exerted in establishing the claims and accounts against the government; in superintending the finances of the states, and the emission of bills of credit; in hearing and determining on appeals brought against sentences passed on libels in the courts of admiralty; and in a variety of important and secondary transactions, connected with the general business of congress. On the twelfth of June, 1776, he was appointed a member of the committee to prepare and digest the form of a confederation to be entered into between the colonies: on the same day, a draft was reported, which, after many postponements, amendments, and debates, was finally agreed to, on the fifteenth of November, 1777. The articles of confederation, however, owing to the objections made by the states, were not signed by a majority of their representatives, until the ninth of July, 1778. The delegates from New Jersey, Delaware, and Maryland, then informed congress that they had not yet received powers to ratify and sign the instrument. On the twenty-sixth of November following, New Jersey acceded to the confederation; and on the twenty-second of February, 1779, Mr. M'Kean signed and ratified the articles, in behalf of the state of Delaware. At length, the state of Maryland empowered her delegates to subscribe and ratify the act of union, and its final ratification took place on the first of March, 1781.

Mr. M'Kean was particularly active and useful in procuring the Declaration of Independence, in 1776: nevertheless, although his name is subscribed to the original instrument deposited in the office of the secretary of state, he does not appear as a subscriber to the copy published in the Journals of Congress. Alexander J. Dallas, Esq. in the course of the re-publication of the laws of Pennsylvania, wishing to compile an accurate copy of the Declaration of Independence, addressed a letter, on the nineteenth of September, 1796, to chief justice M'Kean, requesting to know why such a variance existed. The answer to this inquiry is a valuable historical record:

Philadelphia, September 26th, 1796.

Sir,

Your favour of the nineteenth instant, respecting the Declaration of Independence, should not have remained so long unanswered, if the duties of my office of chief justice had not engrossed my whole attention while the court was sitting.

For several years past I have been taught to think less unfavourably of scepticism than formerly. So many things have been misrepresented, mistated, and erroneously printed, (with seeming authenticity,) under my own eye, as in my opinion to render those who doubt of every thing, not altogether inexcusable: The publication of the Declaration of Independence, on the fourth of July, 1776, as printed in the Journals of Congress, (*vol. ii. p.* 241,) and also in the acts of most public bodies since, so far as respects the names of the delegates or deputies who made that Declaration, has led to the above reflection. By the printed publications referred to, it would appear as if the fifty-five gentlemen, whose names are there printed, and none other, were on that day, personally present in congress, and assenting to the Declaration; whereas, the truth is otherwise. The following gentlemen were not members of congress on the fourth of July, 1776; namely, Matthew Thornton, Benjamin Rush, George Clymer, James Smith, George Taylor, and George Ross. The five last named were not chosen delegates until the twentieth day of that month; the first not until the twelfth day of September following, nor did he take his seat in congress until the fourth of November, which was four months after. The Journals of Congress, (*vol. ii. p.* 277 *and* 442,) as well as those of the assembly of the state of Pennsylvania, (*p.* 53,) and of the general assembly of New Hampshire, establish these facts. Although the six gentlemen named had been very active in the American cause, and some of them, to my own knowledge, warmly in favour of independence, previous to the day on which it was declared, yet I personally know that none of them were in congress on that day.

Modesty should not rob any man of his just honour, when by that honour, his modesty cannot be offended. My name is not in the printed journals of congress, as a party to the Declaration of Independence, and this, like an error in the first concoction, has vitiated most of the subsequent publications, and yet the fact is, that I was then a member of congress for the state of Delaware, was personally present in congress, and voted in favour of independence on the fourth of July, 1776, and signed the declaration after it had been engrossed on parchment, where my name, in my own hand-writing, still appears. Henry Wisner, of the state of New York, was also in congress, and voted for independence.

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I do not know how the mistatement in the printed journal has happened. The manuscript *public* journal has no names annexed to the Declaration of Independence, nor has the *secret* journal; but it appears by the latter, that on the nineteenth day of July, 1776, the congress directed that it should be engrossed on parchment, and signed by *every member*, and that it was so produced on the second of August, and *signed*. This is interlined in the *secret* journal, in the hand-writing of Charles Thompson, esquire, the secretary. The present secretary of state of the United States, and myself, have lately inspected the journals, and seen this. The journal was first printed by Mr. John Dunlap, in 1778, and probably copies, with the names then signed to it, were printed in August, 1776, and that Mr. Dunlap printed the names from one of *them*.

I have now, Sir, given you a true, though brief, history of this affair; and, as you are engaged in publishing a new edition of the Laws of Pennsylvania, I am obliged to you for affording the favourable opportunity of conveying to you this information, authorising you to make any use of it you please.

I am, Sir, with particular esteem,
Your most obedient servant,
THOMAS M'KEAN.

ALEXANDER JAMES DALLAS, ESQ.
Secretary of State for Pennsylvania.

In the year 1776, Delaware was represented in congress by Cæsar Rodney, George Read, and Thomas M'Kean. Mr. Rodney was not present when the question of independence was put, in a committee of the whole, on the first of July. Mr. M'Kean voted for, and Mr. Read against it. Delaware was thus divided. When the president resumed the chair, the chairman of the committee of the whole made his report, which was not acted upon until Thursday, the fourth of July. Every state, excepting Pennsylvania and Delaware, had voted in favour of the measure, but it was a matter of great importance to procure an unanimous voice. Mr. M'Kean, therefore, without delay, despatched an express, at his private expense, for Mr. Rodney, who was then in Delaware. That gentleman hastened to Philadelphia, and was met at the door of the state house, in his boots and spurs, by Mr. M'Kean, as the members were assembling on the morning of the fourth. After a friendly salutation, but without exchanging a word on the subject of independence, they entered the hall together, and took their seats. They were among the latest in attendance; the proceedings immediately commenced, and, after a few minutes, the great question was put. When the vote of Delaware was called, Mr. Rodney rose, and briefly expressing his conviction that the welfare of his country demanded the declaration, voted with Mr. M'Kean, and secured the voice of Delaware. Two of the members of the Pennsylvania delegation, adverse to the measure, being absent, that state also united in the vote, by a majority of one. By these means, the Declaration of Independence became the unanimous act of the thirteen states.—Mr. M'Kean being engaged in military services, was not present in congress during several months next succeeding the fourth of July, 1776; and it was not until the month of October, that he had an opportunity of affixing his signature to the declaration, *engrossed on parchment,* as directed by a resolution of congress subsequent to his necessary departure from Philadelphia.

Mr. M'Kean was president of the convention of deputies from the committees of Pennsylvania, held at the Carpenter's Hall, in Philadelphia, in June, 1776, who unanimously declared their willingness to concur in a vote of the congress, declaring the United States free and independent states. He was one of the committee, with Dr. Franklin, and two other deputies, which drafted that declaration; on the twenty-fourth of June, he signed it in behalf of the state of Pennsylvania; and on the succeeding day, delivered it to congress, in the name of the convention. The regiment of associators, of which he was colonel, had, in the preceding month of May, unanimously made a similar declaration.

On the fifth of July, 1776, he was chosen chairman, at a conference of the delegates in congress, for the states of New York, New Jersey, and Pennsylvania. In the same year, he was also chairman of the committee of safety of Pennsylvania, and of the committee of inspection and observation for the city and liberties of Philadelphia.

Mr. M'Kean, at this time, was colonel of a regiment of associators of the city of Philadelphia. At a conference held on the fifth of July, 1776, between a committee of congress appointed for the purpose, and the committee of safety of Pennsylvania, the committee of inspection and observation for the city and liberties of Philadelphia, and the field officers of the five battalions of that city, it was agreed that all the associated militia of the state, with certain exceptions, who could be furnished with arms and accoutrements, should immediately march, with the utmost expedition, to New Jersey, and continue in service until a flying camp, of ten thousand men, could be collected to relieve them. In consequence of these resolutions, Mr. M'Kean, a few days after the Declaration of Independence, marched at the head of his battalion, to Perth Amboy, in New Jersey, to support general Washington. Although, during his term of service, no regular engagement took place, he was sometimes exposed to considerable danger, in the skirmishes, or rather cannonading, which occurred. An instance of this nature is related by himself, in a letter dated Head Quarters, Perth Amboy, July 26th, 1776. The lines of the enemy were about six hundred yards distant. Several shallops were descried sailing along the opposite shore towards the enemy's men-of-war. Colonel M'Kean had received orders to hold his battalion in readiness to march into town at a minute's warning, and the men were immediately under arms. "I left them," he remarks, "under lieutenant-colonel Dean, to be marched to town, whilst I mounted my horse, and waited on the general for orders. On the road, which is a straight and wide lane, (something like Market Street,) all the way from the camp to the Sound, and in a line with the enemy's batteries, about twenty cannon balls flew close to me, sometimes on one side, sometimes on the other, and some just over my head. I confess, I was not a little alarmed, being the first time that I had ever heard a cannon ball, but clapped spurs to my horse, and rode on amidst the balls for the general's, where orders had just been issued to halt the battalion: I was going to execute them, when, on turning round, I saw a horse shot through the neck with a four-pounder, within much less distance than the width of Market Street, from me. The fire was so incessant, and so direct on the street that I had to return, that some gentlemen entreated me to wait a short time; but, as the troops under my care were in full march, and colonel Miles's battalion close behind them, I thought it my duty to stop them, as some of them otherwise would probably be killed, without a chance of effecting any beneficial service. On my return, I found the fire hotter than before, the enemy then playing from three batteries of three or four guns each; but, through God's favour, I escaped unhurt, and marched the troops to the camp."

After the flying camp was completed, the associators were discharged; and Mr. M'Kean returned to Philadelphia, when he resumed his seat in congress, and signed the Declaration of Independence, on parchment. Finding that he had been elected a member of the convention for forming a constitution for the state of Delaware, he, in two days departed for Dover, which he reached in one day.—Immediately on his arrival, after a fatiguing ride, a committee of gentlemen waited on him, and requested that he would prepare a constitution for the future government of the state. To this he consented. He retired to his room in the tavern, sat up all the night, and having prepared it without a book, or any assistance whatever, presented it, at ten o'clock next morning, to the house, when it was unanimously adopted.

In the year 1777, Mr. M'Kean acted in the double capacity of president of the state of Delaware, and chief justice of Pennsylvania. "I have had," he remarks in a letter to John Adams, dated November eighth, 1779, "my full share of the anxieties, cares and troubles, of the present war. For some time, I was obliged to act as president of the Delaware state, and as chief justice of this: General

Howe had just landed, (August, 1777,) at the head of Elk river, when I undertook to discharge these two important trusts. The consequence was to be hunted like a fox by the enemy, and envied by those who ought to have been my friends. I was compelled to remove my family five times in a few months, and, at last, fixed them in a little log-house on the banks of the Susquehannah, more than an hundred miles from this place: but safety was not to be found there, for they were soon obliged to remove again, on account of the incursions of the Indians."

On the twenty-eighth of July, 1777, he received from the supreme executive council, the commission of chief justice of Pennsylvania, and performed the duties of that high station with distinguished zeal and fidelity, for twenty-two years. At the time of his appointment, he was speaker of the house of assembly, president of Delaware, and a member of congress.

The following remarks on this appointment are extracted from his letter to John Dickinson, Esq. dated Newark, August fifteenth, 1777: "When I was in Philadelphia, about a fortnight ago, the office of chief justice was offered to me in the politest manner. Two of my friends were rather against my accepting it; many others pressed me to it, in the warmest manner. Upon the whole, to prevent the least suspicion that I was against any government but such as I framed myself, and that I wanted to embroil the state, and occasion disaffection to the common cause, &c. &c. which had been liberally propagated; and to evidence that I had nothing in view but to promote the happiness of my country, I thought it my duty, (though manifestly against my interest,) to imitate the great lord Hale, when pressed to the like by Cromwell, and was, for the same, and better reasons, prevailed with to accept it."

The burden of public affairs now fell heavily on Mr. M'Kean; and he became more and more solicitous to be relieved from his congressional duties. In a letter to the legislature of Delaware, dated December twenty-fifth, 1780, he thus portrays his situation: "I find that my health and fortune are impaired by my unremitting attention to public affairs: what I undertake to perform, I do with all my might; and, having very little relief in attending congress, I find that this, the discharging the duties of chief justice, &c. &c. are more than I can perform to my own satisfaction. Besides, the rank I am obliged to maintain, is greater than comports with my finances. I must, therefore, beg of you, to appoint some gentlemen as delegates, who will attend in congress at such times as I am obliged to be on the circuit, or in court, and who will also relieve me occasionally at other times, and permit that relaxation which is absolutely necessary for the mind as well as the body; otherwise, that the general assembly would be pleased to excuse me the honour, in future;—which is my ardent wish." It is a proof of the disinterested principles by which the public men of that period were guided, that Mr. M'Kean had never received, in any year, as much emolument, as a delegate, as would defray his personal expenses, while engaged in the service; and that, during the last two years, (1779 and 1780,) he had not been offered, or received, a farthing.—His resignation, however, was not accepted, and he continued his duties as a delegate from Delaware.

On the tenth of July, 1781, he was, on the resignation of the honourable Samuel Huntington, elected president of congress. On the twenty-third of October, 1781, the following letter was laid before that body, by the secretary:

"Sir,

I must beg you to remind congress, that when they did me the honour of electing me president, and before I assumed the chair, I informed them, that, as chief justice of Pennsylvania, I should be under the necessity of attending the supreme court of that state, in the latter end of September, or, at farthest, in October. That court will be held to-day. I must, therefore, request, that they will be pleased to proceed to the choice of another president.

I am, Sir,
With much respect,
Your most obedient humble servant,
THOMAS M'KEAN.

CHARLES THOMSON,
Secretary of Congress."

Congress accepted the resignation of Mr. M'Kean, but postponed the election of a president until the next day, when, on motion of Dr. Witherspoon, it was unanimously resolved, that Mr. M'Kean be requested to resume the chair, and act as president, until the first Monday in November, the resolution of the previous day, accepting his resignation, notwithstanding. To this measure he acceded. On the fifth of November, the honourable John Hanson was elected president; and on the seventh, it was "*Resolved*, that the thanks of congress be given to the honourable Thomas M'Kean, late president of congress, in testimony of their approbation of his conduct in the chair, and in the execution of public business."—This honourable testimonial was conveyed to Mr. M'Kean, in the following flattering communication from his successor, who was well qualified to pass a correct judgment on the merits and conduct of his predecessor.

Philadelphia, November 10*th*, 1781.

Sir,

It is always a pleasing task to pay a just tribute to distinguished merit. Under this impression, give me leave to assure you, that it is with inexpressible satisfaction I present you the thanks of the United States in congress assembled, in testimony of their approbation of your conduct in the chair, and in the execution of public business; a duty I am directed to perform by their act of the seventh instant, a copy of which I have the honour of enclosing.

When I reflect upon the great abilities, the exemplary patience, and unequalled skill and punctuality, which you so eminently displayed in executing the important duties of president, it must unavoidably be productive of great apprehensions in the one who has the honour of being your successors. But the choice of congress obliges me, for a moment, to be silent on the subject of my own inability; and, although I cannot equal the bright example that is recently set me, yet it shall be my unremitting study to imitate it as far as possible; and, in doing this, the reflection is pleasing, that I shall invariably pursue the sacred path of virtue, which alone ought to preserve me free from censure.

I have the honour to be, with the highest sentiments of respect and esteem, sir, your most obedient and most humble servant,

JOHN HANSON, President.

The HON. THOMAS M'KEAN,
Late President of Congress.

It may be assumed as a fact, strengthened by daily experience, that those men who are mere passive beings, will have neither friends nor enemies; while those who are active, will have both:—and, whether a man does right or wrong, he may always expect to be blamed by his enemies. Hence, a great clamour attended the elevation of Mr. M'Kean to the presidency of congress. His acceptance of that station, while holding the office of chief justice, aroused the sleeping lions who would otherwise, in all probability, have dozed on, regardless both of their constitution and country. The pressed teemed with essays on the subject, maintaining both sides of the question, in which the advocates of Mr. M'Kean enjoyed a manifest advantage. It was evident that the authors of the outcry were incited by envy or ambition, and not by virtue or love of country; because, if his seat in congress was illegal at all, it was as much so before he was made president, as afterwards. When he was appointed chief justice, in 1777, he was speaker of the house of assembly, soon after commander-in-chief, and from that time until his election to the chair of congress, constantly a delegate from the state of Delaware. It is not easy, moreover, to imagine, what right the state of Pennsylvania had to complain of his conduct. The state of Delaware, did not, in the first instance, appoint the chief justice of Pennsylvania one of their delegates in congress; but it was the state of Pennsylvania that appointed one of the delegates of Delaware, then in congress, to be their chief justice: how then, could the blame of the transaction (even if it were blameable,) be imposed on Mr. M'Kean.—On the general question, whether he was acting in violation of the constitution, it was argued, that although the judges of the supreme court of Pennsylvania, were not allowed to sit in congress, as members from that state, or in its executive council or general assembly, yet they were not excluded from sitting in the congress, or council, senate or assembly, for any other state; that the convention never had either the power or inclination to direct the governments of other states, nor to restrain them from employing whom they thought proper, in their offices of trust or profit; that, in fine, there was neither any law nor reason, why a judge of Pennsylvania could not hold any office whatsoever, which was not derived from the state of Pennsylvania. Numerous precedents may be cited in justification of Mr. M'Kean's conduct, in retaining his seat in congress. William Henry Drayton, esquire, served in congress two years, during which time he was chief justice of the state of South Carolina. William Paca, esquire, was, at the same time, chief justice, and a member of congress for the state of Maryland. John Jay, esquire, was chief justice of New York during the time he was president of congress. Samuel Huntington, esquire, the predecessor of Mr. M'Kean as president of congress, was, during the whole time, a justice of the supreme court for Connecticut. And to crown the whole, several of the actual members of congress, were, at that time, justices of the supreme court in their respective states.—Hence it is apparent, that the motives which originated the clamour against the chief justice of Pennsylvania, were any thing else than honest or patriotic.

Independent in his principles and conduct, Mr. M'Kean, as chief justice of Pennsylvania, performed the duties of his office with impartiality and inflexibility. During the progress of the revolution, Philadelphia being the seat of the general government, and an object of peculiar watchfulness on the part of the enemy, the just performance of Mr. M'Kean's judicial functions required not only the learning of the lawyer, but the unyielding spirit of the patriot. Proclaiming from the bench, the law of justice and his country, with distinguished learning, ability, and integrity, neither fear, nor power, could bend him from the stern line of duty. Regardless of the powers of the crown of Great Britain, he did not hesitate to hazard his own life, by causing to be punished, even unto death, those who were proved to be traitors to their country. Such was the miserable fate of Roberts, and Carlisle, the lamented victims of inflexible justice. Abraham Carlisle was a carpenter in Philadelphia. When the British took possession of that city, he received a commission from sir William Howe, to watch and guard the gates, with the power of granting passports. John Roberts joined the British standard at the same time; and the overt act of aiding and assisting the enemy by joining their armies, was "legally and satisfactorily proved." The trials of these unfortunate men took place in September, 1778, and being both convicted of high treason, they were, a short time afterwards, executed.

But no popular excitement against individuals accused of offences, could, in the slightest degree, divert him from the firm and inflexible discharge of his public duty. His decision in favour of Samuel Chapman, (*Dallas' Reports*, vol. i, 53.) evinced the soundness of his judgment, and the disdain he felt for the popular clamour, excited by the occasion. Chapman was attainted of high treason, in April term, 1781, for not having surrendered himself on the first of August, 1778, as required by a proclamation issued by the supreme executive council, in pursuance of the act of assembly, passed the sixth of March, 1778. The charge of the chief justice, which resulted in the acquittal of the defendant, was learned and circumstantial, embracing a lucid exposition of the law, and exciting the unqualified admiration of his professional brethren, while it dissatisfied and disappointed those men of violence who thirsted after blood.

Soon after his appointment to the office of chief justice, an incident occurred, evincing in bold relief the independent principle of action which guided his judicial career. Twenty persons were confined in the Free Mason's lodge at Philadelphia, on treasonable charges; and the popular excitement against them was extremely violent. Application was made to the chief justice, for writs of habeas-corpus in their behalf, which were granted. This act, at a period of peculiar public agitation, created great dissatisfaction among the more violent whigs, in which many members of congress participated. So marked, indeed, was their displeasure, that Mr. M'Kean, esteeming the good opinion of good men next to the approbation of a good conscience, considered himself called upon to justify his proceedings, in a letter to the honourable John Adams, dated nineteenth September, 1777, in which he stated the reasons of his conduct, and requested Mr. Adams, by a candid explanation, to remove the impressions that had been created.—The writs were applied for in form, agreeably to the directions of the statute of the 31 *Car.* 2, *ch.* 2; and the only authority for the confinement of the prisoners, known to Mr. M'Kean, was the copy of a letter from the vice-president to colonel Lewis Nicola. His situation, at the time, was such that he had not received a letter, nor seen a newspaper, from Philadelphia, for a fortnight; nor could he learn any particulars of the affair, except from the two persons who presented the writs, and who offered to him a pamphlet written by the prisoners, stating their case: this he refused to read or accept, observing, that he would determine on the returns to be made to the writs, and nothing else.—The habeas corpus act formed a part of the code of the Pennsylvania laws, and has always and justly been esteemed the palladium of liberty. Before that statute, the habeas corpus was considered to be a prerogative writ, and also a writ of right for the subject; and, if the king and his whole council committed any subject, yet, by the opinion of all the judges, in times when the rights of the people were not well ascertained, nor sufficiently regarded, a habeas corpus ought to be allowed and obeyed. And the distinction was, that in such case, *upon the return*, the prisoner was to be remanded; but, if the commitment was by *part* of the lords of the council, he was to be bailed; and if not for a legal cause, he was to be discharged. By the statute, all discretionary power in the judges was taken away, and a penalty of five hundred pounds sterling imposed, for a refusal, in the vacation, to allow the writ: so that, if Mr. M'Kean had so soon forgotten the oath which he had, a few days before, taken, common prudence would have taught him neither to incur the forfeiture of ten thousand pounds, nor to subject himself, as a judge, to the just censure of the judicious and dispassionate;—the more especially when no injury could arise from returning the writs, and bringing the parties before him, (except a little delay,) the expense being borne wholly by the prisoners, agreeably to the statute. If, upon the return of the process, he had shown any partiality towards the prisoners, or sought occasion to favour men who were inimical to a cause, which he had espoused with as much sincerity, and supported with as much zeal as any individual in the country, then, indeed, he might have been deservedly blamed and stigmatised; but previous to this, censure, to say no more, was premature, and injudiciously bestowed.. "Fiat justitia, ruat cœlum," he remarks, "is a sentiment which pleases me; and faithful judges ought not to be subjected to unnecessary difficulties.

His firmness in the execution of the laws, is exemplified by another striking example. In 1778, he issued a warrant against colonel Robert L. Hooper, a deputy quarter-master, charging him with having libelled the magistrates of Pennsylvania, in a letter to Gouverneur Morris, and directing the sheriff of Northampton county to bring him before him at Yorktown. Colonel Hooper waited on general Greene, then quarter-master-general, to inquire whether the circumstances of the army would admit of his absence. General Greene, in a letter to Mr. M'Kean, dated, Camp, valley Forge, third June, 1778, observed, among other things relative to the subject, that, as the army was just on the wing, he could not, without great necessity, "*consent*" to colonel Hooper's being absent, as there was no other person who could give the necessary aid on that occasion; and he requested, that Hooper might enter into a recognizance, with ample sureties, to appear at any court where he was legally answerable.—This direct interference of the military with the civil, authority, roused the official spirit of the chief justice, and occasioned the following severe, but just answer:

Yorktown, *June* 9, 1778.

SIR,

I have just now received your favour of the third instant, and am not a little surprised that the sheriff of Northampton county should have permitted colonel Robert L. Hooper, after he was arrested by virtue of my precept, to wait upon *you*, until he had appeared before *me*.

You say, sir, "colonel Hooper waited upon me to communicate his situation, and to know if the circumstances of the army would admit of his absence; but, as the army is just upon the wing, and part of it will, in all probability, march through his district, I could not, without great necessity, *consent* to his being absent, as there is *no other person* that can give the necessary aid upon this occasion."

I do not think, sir, that the absence, sickness, or even death, of Mr. Hooper, could be attended with such a consequence that *no other person* could be found, who could give the necessary aid upon this occasion: but, what attracts my attention the most, is your observation that *you* cannot, without great necessity, *consent to his being absent.* As to that, sir, I shall not ask *your consent,* nor that of any other person, in or out of the army, whether my precept shall be obeyed or not, in Pennsylvania.

The warrant for the arrest of Mr. Hooper being special, no other magistrate can take cognizance thereof but myself. The mode you propose, of giving bail, cannot be adopted, for many reasons.

I should be very sorry to find that the execution of criminal law should impede the operations of the army, in any instance; but much more so, to find the latter impede the former.

I am, sir, with great respect,

Your most obedient humble servant,

THOMAS M'KEAN.

MAJOR-GENERAL GREENE.

There is a strain of inflexible firmness, and unshrinking dignity, pervading this letter, admirably illustrative of the whole course of his judicial conduct.

Mr. M'Kean industriously devoted himself to the discharge of the duties of chief justice until the year 1799, when he was elected governor of the commonwealth of Pennsylvania. In all the qualifications of the judge, it may, without hesitation, be said, that he had few equals in this or any other, country. The dignity which the supreme court of Pennsylvania preserved, and the reverence which it inspired, while he presided over it, are still spoken of in high terms by those who remember it, and his judicial opinions, at a period when the law of the state was unsettled, and when a master mind was requisite to reduce it to a system, have established for him the reputation of being one of the ablest lawyers of his country. His memory is, to the present day, held in profound respect and veneration, in the courts of justice, and successive judges have, by their unvarying testimony, given unfading lustre to his judicial fame. "Chief justice M'Kean," observes a late judge of the supreme court of Pennsylvania, "was a great man: his merit in the profession of the law, and, as a judge, has never been sufficiently appreciated. It is only since I have been upon the bench, that I have been able to conceive a just idea of the greatness of his merit. His legal learning was profound and accurate; but, in the words of the poet,

> Materiem superabat opus——;

The lucidity of his explication, and the perspicuity of his language, which is the first excellence in the communication of ideas, was perfect; but I never saw equalled, his dignity of manner in delivering a charge to a jury, or on a law argument, to the bar. But what is still more, his comprehension of mind in taking notes, so as to embrace the *substance*, and yet omit nothing *material*, has appeared to me inimitable."

The attempt to impeach the conduct of Mr. M'Kean, as chief justice, in 1788, requires particular explanation. Eleazer Oswald, editor of the Independent Gazetteer, published an address to the public, manifestly tending to interrupt the course of justice, and attempting to prejudice the minds of the people, in a cause then depending, in which he was defendant; and by that means, striving to defeat the plaintiff's claim to justice, and to stigmatise the judges whose duty it was to administer the laws. For this contempt of court, as it was determined by the unanimous opinion of the four judges, he was sentenced by the court to pay a fine of ten pounds to the commonwealth, and to "be imprisoned for the space of one month, that is, *from the fifteenth day of July to the fifteenth day of August.*" The sentence, on the point of imprisonment, was entered on the record, "*for the space of one month,*" without taking notice of the explanatory words used by the court: ("*from the fifteenth day of July to the fifteenth day of August.*") At the expiration of the legal month, (*twenty-eight days,*) Mr. Oswald demanded his discharge; but with this, the sheriff, who had heard the sentence pronounced, refused to comply, until he had consulted the chief justice. Mr. M'Kean, remembering the meaning and words of the court, told this officer at first, that he was bound to detain his prisoner till the morning of the fifteenth of August: but, having shortly afterwards examined the record, he wrote to the sheriff, that Mr. Oswald, agreeably to the entry there, was entitled to his discharge.

On the fifth of September, 1788, Mr. Oswald presented a memorial to the general assembly, in which he stated the proceedings against him, complained of the decision of the court, and of the direction of the chief justice to the sheriff, by which, he alledged, his confinement had afterwards been illegally protracted. He, finally, called upon the house to determine "whether the judges did not infringe the constitution in *direct* terms, in the sentence they had pronounced; and whether of course, they had not made themselves proper objects of impeachment." The assembly resolved itself into a committee of the whole, to hear the evidence in support of the charges exhibited; and three days were consumed in the examination of witnesses. William Lewis, esquire, as a member of the house, then delivered an elaborate argument, in vindication of the conduct of the judges; and, after a long, learned, and eloquent, speech, concluded by observing, that, upon the whole, the only grounds of impeachment, were bribery, corruption, gross partiality, or wilful and arbitrary oppression; and as none of these had been proved, Mr. Oswald's memorial ought to be dismissed; that it would be preferable to return to a state of nature, than to live in a state of society upon the terms which that memorial presented;—terms, which left the weak and the innocent, a prey to the powerful and the wicked; and which gave to falsehood and licentiousness, all that was due to freedom and to truth.—Mr. Findley next rose, and delivered his sentiments with ability and precision, in opposition to Mr. Lewis's argument.—When he had concluded, Mr. Fitzsimmons submitted the following resolution:

"*Resolved*, That this house, having, in a committee of the whole, gone into a full examination of the charges exhibited by Eleazer Oswald, of arbitrary and oppressive proceedings in the justices of the supreme court against the said Eleazer Oswald, are of opinion, that the charges are unsupported by the testimony adduced, and, consequently, that there is no just cause for impeaching the said justices."

The proposition contained in this resolution, gave rise to a short, but animated, conversation. On the one hand it was said, that, in admitting that there was no ground of impeachment, it was not intended to concede that the facts represented in the memorial had not been proved: and, on the other hand, it was answered, that if there had been proof that the memorialist, according to the complaint, "was immured in prison, without even the shadow of a trial, for an imaginary offence," it would have been the indispensible duty of the legislature to vote for an impeachment.—A compromise, at length, took place, and the committee of the whole agreed to report the following resolution:

"*Resolved*, That the charges exhibited by Mr. Eleazer Oswald against the justices of the supreme court, and the testimony given in support of them, are not a sufficient ground for impeachment."

But, when this report was called up for the decision of the house, it was postponed, (and consequently lost) on motion of Mr. Clymer, in order to introduce the resolution originally proposed by Mr. Fitzsimmons in the committee.—Mr. Findley then claimed the attention of the members, and presented the following resolutions to the chair, to supersede Mr. Clymer's motion:

"*Resolved*, That the proceedings of the supreme court against Mr. Eleazer Oswald, in punishing him by fine and imprisonment, at their discretion, for a constructive or implied contempt, not committed in the presence of the court, nor against any officer, or order, thereof, but for writing and publishing improperly, or indecently, respecting a cause depending before the supreme court, and respecting some of the judges of said court, was an unconstitutional exercise of judicial power, and sets an alarming precedent, of the most dangerous consequence, to the citizens of this commonwealth."

"*Resolved*, That it be specially recommended to the ensuing general assembly, to define the nature and extent of contempts, and direct their punishment."

An interesting debate arose upon these resolutions. Mr. Findley ably supported his propositions, upon the spirit of the constitution, and the expediency of the thing itself. But, it was satisfactorily answered by Mr. Lewis; First, That the legislative power is confined to *making* the law, and cannot interfere in the *interpretation;* which is the natural and exclusive province of the judicial branch of the government; and, Secondly, That the recommendation to the succeeding assembly would be nugatory; for the courts of justice derive their powers from the constitution, a source paramount to the legislature; and, consequently, what is given to them by the former, cannot be taken from them by the latter.

Mr. Findley's motions were lost by a considerable majority; and at length, Mr. Fitzsimmons's original resolution, revived by Mr. Clymer, was adopted by the house, and the memorial, of course, rejected.

In pronouncing the judgment of the court in the case of Oswald, chief justice M'Kean made the following remarks: "Some doubts were suggested whether even a contempt of the court was punishable by attachment: not only my brethren and myself, but likewise, all the judges of England, think, that without this power, no court could possibly exist;—nay, that no *contempt* could, indeed, be committed against us, we should be *so truly contemptible.* The law upon the subject is of immemorial antiquity; and there is not any period, when it can be said to have ceased, or discontinued. On this point, therefore, we entertain no doubt."—These observations have since been repeatedly quoted as conclusive on the subject of contempts; and were cited, with approbation, in the famous debate, a few years ago, in the case of John Anderson, in the house of representatives of the United States.

Mr. M'Kean was a member of the convention of Pennsylvania, which ratified the constitution of the United States. Delegated from the city of Philadelphia, he attended its first meeting on the twentieth of November, 1787. On the twenty-third, Mr. M'Kean, who, with Mr. Wilson, took the lead in the proceedings, moved that the constitution, as proposed by the late federal convention, be read; and on the twenty-sixth, the convention having been properly organised, and the preliminary arrangements concluded, he opened the important and unprecedented subject by a short speech, concluding with the motion, "That this convention do assent to, and ratify, the constitution agreed to on the seventeenth of September last, by the convention of the United States of America, held at Philadelphia."—The long and eloquent speech delivered by him on the eleventh of December, embraced a clear and comprehensive view of the whole subject. He unfolded, in a masterly manner, the principles of free government; demonstrated the superior advantages of the federal constitution; and satisfactorily answered every objection which had been suggested. Arranging these objections under ten distinct heads, he considered them singly, and delivered his refutation of them in a lucid and forcible manner. He concluded this powerful argument in these words: "The objections to this constitution having been answered, and all done away, it remains pure and unhurt; and this alone is a forcible argument of its goodness.—I am sure, Mr. president, that nothing can prevail with me to give my vote for ratifying it, but a conviction, from comparing the arguments on both sides, that the not doing it is liable to more inconvenience and danger than the doing it.

"I. If you do it, you strengthen the government and people of these United States, and will thereby have the wisdom and assistance of all the states.

"II. You will settle, establish, and firmly perpetuate, our independence, by destroying the vain hopes of all its enemies, both at home and abroad.

"III. You will encourage your allies to join with you; nay, to depend, that what has been stipulated or shall hereafter be stipulated and agreed upon, will be punctually performed; and other nations will be induced to enter into treaties with you.

"IV. It will have a tendency to break our parties and divisions, and by that means, lay a firm and solid foundation for the future tranquillity and happiness of the United States in general, and of this state in particular.

"V. It will invigorate your commerce, and encourage ship building.

"VI. It will have a tendency, not only to prevent any other nation from making war upon you, but from offering you any wrong or even insult.

"In short, the advantages that must result from it, are obviously so numerous and important, and have been so fully and ably pointed out by others, that it appears to be unnecessary to enlarge on this head.

"The law, sir, has been my study from my infancy, and my only profession. I have gone through the circle of office, in the legislative, executive, and judicial, departments of government; and from all my study, observation, and experience, I must declare, that from a full examination and due consideration of this system, it appears to me *the best the world has yet seen.*

"I congratulate you on the fair prospect of its being adopted, and am happy in the expectation of seeing accomplished, what has been long my ardent wish,—that you will hereafter have a *salutary permanency in magistracy, and stability in the laws.*"

Although Mr. M'Kean was not a member of the convention which framed the federal constitution, he was neither inattentive nor inactive, with regard to its proceedings. From the characters of the delegates, a great proportion of whom had been members of the revolutionary congress, in 1774, 1775, 1776, or 1777, he entertained strong hopes that public utility would be derived from their deliberations. "But," he remarks, "the present popular opinion is, that we should be very jealous of conferring power on any man, or body of men. Indeed, we seem afraid to enable any one to do good, lest he should do evil."—He was long an advocate for the just rights of the smaller, against the overbearing influence and power of the larger, states. A vote by states was insisted upon by him in the first congress of 1765, and in that held at Philadelphia, in 1774;—and the concession was then made by the other states. At the meeting of the federal convention, he delivered to the delegates from Delaware, notes of the arguments used on those occasions, and at the same time, offered, in private, his reasons in support of the security of the smaller states, to many members who represented the larger. His influence prevailed; and the result was the compromise which pervades the present system.

The amendment of the constitution of the state of Pennsylvania was an object of high importance and general interest. "Perhaps a more singular contrivance to produce precipitation and incaution in that department, where deliberation was a duty, and to generate slowness and irresolution, when vigour, promptitude, and secrecy, were required, was never exhibited than in this constitution." A single legislature, without check or control, possessing a power of hastily passing the most important laws, restrained only by the necessity of publishing the bill, for the consideration of their constituents, yet without being required to wait any length of time, to obtain a knowledge of their opinions on it; an executive council, composed of a member from every county, multiplying as the number of counties increased; a septennial judicature, and an inefficient council of censors, who were to revise the proceedings of the legislature, without the power to repeal what they saw the strongest reasons to condemn, formed some of the features of this extraordinary frame of government. To relieve the people of Pennsylvania from the operation of such a system, had long been an object of solicitude. But it had many friends. As a product of the revolution, to approve it was sometimes considered as a test of political rectitude. The name of Franklin was used to recommend it to popular favour, although it was believed by many, that his placid acquiescence, together with some sportive effusions in answer to objections raised against it, was the greatest extent of the patriarch's exertions in its favour. It was, also, asserted that its opponents aimed at aristocratical innovation, not untinctured with the spirit of monarchy.—On this subject, Mr. M'Kean formed an early opinion; and in a letter to John Adams, dated thirtieth April, 1787, he made the following remarks: "The balance of the one, the few, and the many, is not well poised in this state: the legislature is too powerful for the executive and judicial branches of government; besides, it can too easily make laws, and too easily alter or repeal them. We have but one branch in our legislature, and are divided into two parties, called by the names of republicans and constitutionalists; and they are yet pretty nearly equal in numbers and merit. We must have another branch, and a negative in the executive, stability in our laws, and permanency in our magistracy, before we shall be reputable, safe, and happy." But he was opposed to any other than necessary alterations. "In general," said he, "I dislike innovations, especially in the administration of justice; and I would avoid tampering with constitutions of government, as with edge-tools."

At length, in 1788, a majority of the legislature was secured in favour of calling a convention, not openly to make a new constitution, but to consider in what respects the old one required alteration and amendment. At the election in 1789, Mr. M'Kean was appointed a delegate to this convention, from the city of Philadelphia. It commenced on Tuesday, the twenty-fourth of November, 1789, on which day the honourable Thomas Mifflin was elected president. Composed of the first talents that Pennsylvania afforded, Mr. M'Kean rendered himself conspicuous in its proceedings, and the force of his knowledge and opinions was felt, and justly appreciated.

"The mere reformation of the old constitution was abandoned as hopeless, but in the composition of a new one, some variety of opinion was manifested: democratic inclinations prevailed with one party, while the other sought, in the establishment of a firm and active executive, in an independent judiciary, in a legislature of two branches, and in most carefully prescribing the limits of each, and preventing encroachments on the functions of others, not to establish an aristocracy, but to secure a self-balanced government, possessing the united properties of cautious deliberation, energetic action, and uninfluenced decision." Although the almost unlimited right of suffrage contained in it is by many deemed a blemish, the constitution that was finally adopted, may be considered as an admirable model, as a careful discrimination in practice, and a sound delineation in principle, of a representative republic, securing force to the government, and freedom to the people.

Mr. M'Kean was actively employed, during the first week of the sitting, in forming the preliminary arrangements of the convention. On the first of December, when that body resolved itself into a committee of the whole, "to take into consideration whether, and wherein, the constitution of the state required alteration or amendment," he was appointed chairman. The subject of the constitution was, throughout the session of the convention, principally discussed in the committee, over which he presided: hence he was precluded from taking that active part in the debates, which he would, otherwise, have probably done. It appears, however, that while on the floor, his attention was greatly devoted to the measures in agitation, and that he engaged with spirit in the deliberations of the convention. It is worthy of particular notice, that the provision "for the establishment of schools throughout the state, in such manner that the poor may be taught *gratis*," was made on the proposition of Mr. M'Kean.—On his retirement from the chair, it was unanimously resolved, on the twenty-ninth of January, 1790, "that the thanks of the committee be given to the honourable Mr. M'Kean, for his able and impartial conduct, while chairman thereof."

In 1799, Mr. M'Kean was elected governor of Pennsylvania. His election was the result of a warm conflict between the two great parties which were then assuming those distinct political ranks, into which, for many years, the people of our country continued to be divided. It is unnecessary to specify the political changes and occurrences preparatory to, and causing, his election in preference to his able and distinguished competitor—the honourable James Ross. His success, through what was termed "the momentum of Pennsylvania politics," paved the way for the accession of Mr. Jefferson to the presidency; and during the whole period of that gentleman's administration, the weight of Mr. M'Kean's opinions and conduct was directed to the upholding of the principles which marked the policy of the general government.

On the sixth of November, 1799, at a town-meeting held in Philadelphia, an address to the governor-elect was prepared and adopted, congratulating him on his election, as the very principles of republicanism were involved in the issue. "In an integrity," it said, "which has stood the test of half a century, and in a firmness that neither cabal nor faction has been able to shake, and in principles which stood unmoved amid the trials and perils of a revolution, we cannot but rely with confidence." "On you, sir, not only the eyes of republican Pennsylvania, but the eyes of the republicans throughout the union, are fixed; on you, a momentous trust has devolved, which engages all their attention and affections, and it is with pride, with honest pride, we avow our confidence, that the chief-magistrate of Pennsylvania will exhibit to the United States, an illustrious example." To this address, Mr. M'Kean replied by stating the sincere pleasure which it afforded him, and tendering his thanks for the favourable opinion, and kind expressions, it contained. He trusted, that under his administration, their happy system of government, raised on the sole authority of the people, would, by the favour of God, be continued inviolate; and that neither foreign nor domestic enemies, neither intrigue, menace, nor seductions, should prevail against it. "The constitution of the United States, and of Pennsylvania," said he, "shall be the rule of my government; the security of persons, property, liberty, and reputation, my chiefest care; and my best endeavours shall be exerted to fulfil all your reasonable and just expectations."

That the duty which he was now called upon to perform was extremely arduous, may be inferred from the following extract of his letter to John Dickinson, dated twenty-third June, 1800: "Though my situation in life is changed, my cares remain: I have never had greater employment for body and mind, than for the last six months, unless when I was president of congress. I have waded through a sea of troubles, and surmounted my principal difficulties. I have been obliged, (though no Hercules,) *to cleanse the Augean stable,* with little or no aid; for I am my own minister and amanuensis. In about a fortnight more, I expect calm seas and gentle breezes, if the intrigues and corruptions of British rulers do not create a new agitation of the waves and winds. A governor of Pennsylvania has more duty to perform than the president of the United States, or any governor in the union."

It is the paramount duty of the biographer, to "nothing extenuate, nor set down aught in malice;"—to act justly, though ruin should ensue. Without the guidance of this principle, he is misleading, instead of instructing; he is portraying a fictitious, instead of a real character; and every defect which he conceals, or every ornament which he amplifies, virtually involves a falsehood. His course is open and direct: he must neither turn to the one side, to gratify national or family feeling; nor to the other, to indulge in private opinions or prejudices. Uninfluenced by personal motives, either of fear or affection, he ought to consider his subject as attached to this world only in memory, and alike amenable to the voice of posterity, whether his deeds be good or evil. It is, then, with strict impartiality, that allusion is made to the party asperity which marked, in particular, the period at which Mr. M'Kean's administration commenced.—The principle of removing from office all those of opposite political views, whether their station be high or low, and however well qualified, honest, and active, they may be, may be founded in party policy, but not in justice. Patriotic motives can have no agency in loading with reproach, and detruding from office, upright, and (according to their views,) honest, politicians of a particular party, as men unworthy to partake of the honours, or even to eat the bread, of their country.—The triumph of party is every where the same; and every where it is indulged beyond the boundaries of natural justice, and in a manner, more or less despotic and vindictive, according to the precursory excitement, and the obstacles in the way of success. But without particularising, when the power of parties undergoes a revolution, whereby the weakest becomes the strongest, is that change, of itself, a sufficient and equitable cause for indiscriminately involving the whole of the defeated party in one general proscription? On such occasions, are the possessions of the vanquished, however honourably acquired and honestly maintained, to be, in the true spirit of the feudal system, inexorably parcelled out among the champions of the victorious leader? As, among the holders of office, in the words of a celebrated character, "few die, and none resign," is nothing left but to cashier them? And what sophistry can attempt to justify acts by which helpless families are at once reduced to indigence, stripped of their subsistence, and driven from their homes, not because the heads of them have not faithfully and honestly discharged the duties of their trusts, but because they do not hold precisely the same political sentiments with the new party in power; however they may, at the same time, accord in the broad principles of national liberty, and love of country.

The general truth of these observations will probably not be denied by any one, and the following remarks of Mr. M'Kean to Mr. Jefferson contain no apology, and profess to contain no reason for the removal from office, *without distinction*, of those, who served under previous administrations; indeed, we find that, severe as his detrusions were, they were not, at the same time, *indiscriminate*. They who will not acquiesce in the justice of censure on his conduct upon this occasion, may, with much plausibility, be disposed to urge that, if at the commencement of his administration, he found in office men that had been distinguished, in the previous contest, by intemperate and bitter hostility, towards him and his friends, it might have been honestly considered as indispensable to the smooth, just, and efficient operation of the wheels of government, and as a mark of proper respect for the clearly expressed will of the people, whose sovereignty he acknowledged, that he should supply those offices with others who, instead of counteracting and embarrassing the efforts of his administration, would promote and assist his endeavours to discharge his important official duties. And the force of this reasoning is not diminished, by the knowledge of the fact, that after his administration became once settled on a firm basis, he exhibited the same determination in selecting men distinguished for their merit, without regard to party politics, as he had displayed, in times of high party excitement, in preferring political friends to political enemies. This spirit was illustrated in a particular manner, in many judicial appointments, and especially in twice choosing for the dignified station of chief justice of the state, gentlemen whose political feelings and associations were adverse to his own, but whose professional and personal characters rendered them worthy of elevated public trusts.

In a letter to Mr. Jefferson, dated tenth January, 1801, alluding to his removal of many political opponents from office at the time of his being chosen governor, he observes, "It is, at least, imprudent to foster spies continually about oneself. I am only sorry that I did not displace ten or eleven more; for it is not right to put a dagger in the hands of an assassin." On the twentieth of July, 1801, he addressed the president of the United States, avowedly as the agent of certain members of the ruling party, in Delaware, relative to their political affairs, and to the individuals who had received and held offices under the previous, or Adams, administration: "It appears," he observes, "that the anti-republicans, even those in office, are as hostile as ever, though not so insolent. To overcome them they must be shaven, for in their offices, (like Sampson's hair-locks,) their great strength lieth: their disposition for mischief may remain, but the power of doing it will be gone. It is out of the common order of nature, to prefer enemies to friends: the despisers of the people should not be their rulers, nor men be vested with authority, in a government which they wish to destroy. A dagger ought not to be put into the hands of an assassin.—Sayings of this import are in the mouths of every body; and self-preservation seems to demand some attention to them."

But it is probable that no public man of this country, excepting Washington, so deeply involved in public affairs as Mr. M'Kean, has ever kept himself free from some portion of political intemperance—some manifestation of party passion and prejudice. Such, moreover, is the nature of the constitution of Pennsylvania, with respect to the powers of its governor, that party spirit will be roused, and the feelings of individuals, governed by personal interest, will be exhibited, during every administration. Personal feelings of hope or disappointment, doubtless, created for Mr. M'Kean many enemies; yet during the whole constitutional period of nine years the majority of the people were with him; and, at the present day, when the party asperities and bickerings of the times are, in some measure, forgotten, it cannot be denied that his administration, in a general view, was marked by uncommon ability, and with great benefit to the state.—His messages to the different legislative assemblies, are characterised by peculiar eloquence and force of language, and are replete with sound maxims of political wisdom, and clear practical views of the policy of government.

In the years 1807 and 1808, an unsuccessful attempt was made to impeach him, as governor, originating from party malice, and the exasperation of designing and ambitious individuals, who found him too independent to submit to their superintendence in public affairs. Several petitions from a number of the citizens of the city and county of Philadelphia, were presented to the legislature, in the beginning of 1807, praying an inquiry into the official conduct of the governor. A committee was accordingly appointed for that purpose, with directions to report whether he had so acted in his official capacity, as to require the interposition of the constitutional powers of the house. This committee, after a short investigation, reported,

"I. That the governor did premeditatedly, wantonly, unjustly, and contrary to the true intent and meaning of the constitution, render void the late election, (in 1806,) of a sheriff in the city and county of Philadelphia.

"II. That he usurped a judicial authority, in issuing a warrant for the arrest and imprisonment of Joseph Cabrera; and interfered in favour of a convict for forgery, in defiance of the law, and contrary to the wholesome regulations of the prison in Philadelphia, and the safety of the citizens.

"III. That, contrary to the true intent and meaning of the constitution, and in violation of it, did he appoint Dr. George Buchannan, lazaretto-physician of the port of Philadelphia.

"IV. That under a precedent, acknowledged to have been derived from the king of Great Britain, and contrary to the express letter of the constitution, did he suffer his name to be stamped upon blank patents, warrants on the treasury, and other public official papers, and that too out of his presence.

"V. That, contrary to law, did he supersede Dr. James Reynolds as a member of the board of health.

"VI. That, contrary to the obligations of duty, and the injunctions of the constitution, did he offer and authorise overtures to be made to discontinue two actions of the commonwealth against William Duane and his surety, for an alleged forfeiture of two recognizances of one thousand dollars each, on condition that William Duane would discontinue civil actions against his son, Joseph B. M'Kean, and others, for damages for a murderous assault committed by Joseph B. M'Kean and others, on William Duane."

The very terms of the report would indicate the spirit in which it was framed, even were it not known that one of the committee, at least, was a principal agitator of the impeachment, and intemperately attached to the disappointed party, which was labouring, unguibus et rostro, to disgrace and degrade the governor. "From even this limited inquiry," say they, "the committee are led to the conclusion, that the governor considers the constitution and the laws, as mere instruments of executive convenience, and of so ductile a character as to be moulded into any shape at the suggestion of passion, ambition, or interest." "The avoidance of an election, under such circumstances, furnishes a melancholy testimonial of the insecurity of our rights, under the administration of the present executive magistrate." "The rights of the people of the city* and county of Philadelphia have been grossly trifled with, and scarcely a veil of the texture of a cobweb has been thrown over the unjust judgment of the governor, to render void their election and their choice." "But what will be said when the stupendous injustice is made known, that the governor deducted four votes from the poll of judge Wolbert, which the witnesses themselves, upon oath, declared they had given to William T. Donaldson!" "The committee would here ask, what security have the people of Pennsylvania for their rights, should such proceedings pass unpunished?" "A favourite and profligate sheriff may continue in office as long as a governor holds his place, and the incumbent will remain the pander of an executive appetite or vengeance." "The compromise offered by the governor to William Duane, is of a character truly dark and alarming. The outrage committed upon Mr. Duane transcends any thing in baseness and barbarity, ever perpetrated among us by men pretending to the honour of a soldier. After having beaten and bruised him until he was lifeless, they raised him from the earth on which he was prostrate, that one of them might again knock him down; and these heroes of our constitution and laws, finished their murderous assault, by whipping the insensible body of a man, that they had rendered lifeless by previous barbarity."—Finally, "under a sense of imperious duty, and the solemnity of the obligation under which they acted as representatives of the people of Pennsylvania, and from a conscientious conviction," the committee reported the following resolution:

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* Every member present from the city voted in favour of governor M'Kean.

"*Resolved*, That Thomas M'Kean, governor of this commonwealth, be impeached of high crimes and misdemeanours."

Had this report not savoured so strongly of partiality; had its language been more temperate and dignified, its conclusions less rigorous and authoritative, it would have argued a better cause. On Thursday, the eighth of December, 1807, the resolution reported by the committee being under consideration, a motion was made by the honourable John Sergeant, and seconded by Mr. Biddle, (both members from Philadelphia,) to postpone the further consideration thereof until the second Monday in January, 1808: the ayes and nays being called, there was an equal number of votes, and the motion failed. On the fifteenth of January, Mr. Shewell, one of the committee which submitted the resolution, called for its consideration: the votes being equally divided, the question was not carried. On the twenty-seventh of January, Mr. Shewell renewed his motion for proceeding to the consideration of the resolution, which then prevailed. It is to be observed, that these motions proceeded from the party friendly to governor M'Kean, and who were anxious to determine the invalidity of the charges.

The resolution was now fairly before the house; and the result which awaited the consideration of it, little accorded with the pleasant and confident anticipations of a majority of the select committee who gave it birth. "The committee," said they, "deem it superfluous to sustain the resolution which is submitted, by an appeal to the patriotism or the intelligence of the house. *They are aware that they are anticipated by its judgment and its integrity.* The facts speak so loudly for themselves, that the feeble voice of the committee cannot be raised to reach their tone. Justice, and the public welfare, demand punishment. Do we desire to preserve our constitution in its letter and its spirit? —then punish the infractor of it. Do we desire the government of laws, instead of that of the will of a public functionary?—then make him amenable to justice, who dares to substitute his will for that of the laws. Do we desire to preserve our republican institutions?—then permit no man to trample upon them with impunity. Do we hold the right of electing our public functionaries to be the essence of free government, and its exercise to be dear to the freemen of Pennsylvania?—then render him constitutionally accountable, who, by an arbitrary *fiat*, has laid it prostrate. Do we consider virtue as the vital principle of republican government?—then punish the officer who attacks republican virtue in her citadel; who, in disregard of public sentiment and public duty, and in defiance of solemn obligation, treats the people as his patrimony, and their rights as his inheritance." Now, whether the legislature possessed less "judgment" and "integrity" than the committee were aware of, or whether less value was placed on this long, pompous, and inflated tirade of queries, and deductions, than it deserved, it did not at all alter the decision of the house, which, on motion of Mr. Porter, seconded by Mr. Shewell, indefinitely postponed the further consideration of the subject, on the twenty-seventh of January, 1808.

On the next day, the secretary of the commonwealth presented a replication from the governor, relative to the charges exhibited against him by the committee, which, being read, Mr. Sergeant inquired whether the communication would be inserted on the journal? A variety of objections being made to this measure, a motion was made by Mr. Sergeant, and seconded by Mr. Ingham, that the message be inserted at large on the journal: on the question being taken, it was determined in the affirmative.

The defence of Mr. M'Kean offers a bright contrast to the report of his accusers; and we cannot refrain from extracting its exordium, as an evidence of the dignity with which he repelled unestablished denunciations, of the moderation and magnanimity which he displayed throughout the replication, and of the self-command and respect, which forbade him to descend to the language of his enemies. "A long and dangerous illness," he begins, "the sympathy of friends, and the advice of physicians, deprived me of an opportunity to peruse the journal, or to have the least knowledge, of the proceedings in relation to an impeachment of my official conduct, for more than a month after the termination of the last session of the general assembly. And, since that period, a proper respect for the exercise of constitutional powers has restrained every disposition, on my part, to answer the charges which have been exhibited against me, while those charges continued a subject of deliberation. But the delicacy, which has thus recognized your constitutional jurisdiction, must not be allowed to absorb every consideration that is due to my own fame, to the feelings of my family, and to the opinion of the world. The accusation, though not confirmed by the ultimate vote of the house, has been deliberately framed, has been openly discussed, and will pass, among the legislative records, into the hands of our constituents, and our posterity, with all its concomitant semblance of proof, and asperity of animadversion. The decision, that expresses your renunciation of the impeachment, affects me, indeed, with its justice and its independence; but it is a decision which precludes the employment of the regular means of defence, before a competent tribunal, and, therefore, compels me, for the purposes of vindication, to claim a page in the same volume that serves to perpetuate against me the imputation of official crimes and misdemeanours. It is incompatible, gentlemen, with my view of the solemnity of the occasion, to descend to the language of invective or complaint. By exposing the depravity of other men, I should do little to demonstrate my own innocence; and an expression of sensibility, at any personal indignity that has been inflicted, might be construed into an encroachment upon the freedom of legislative debate. But the tenor of my public and private life will, I hope, be sufficient to repel every vague and declamatory aspersion. The discernment of our constituents will readily detect any latent motive of hatred and malice. The justice of the legislature upholds an ample shield against the spirit of persecution; and the conscious rectitude of my own mind will yield a lasting consolation, amidst all the vicissitudes of popular favour and applause." "That I may have erred in judgment; that I may have been mistaken in my general views of public policy; and that I may have been deceived by the objects of executive confidence, or benevolence, I am not so vain, nor so credulous, as to deny; though, in the present instance, I am still without the proof and without the belief:—but the firm and fearless position which I take, invites the strictest scrutiny, upon a fair exposition of our constitution and laws, into the sincerity and truth of the general answer given to my accusers,—*that no act of my public life was ever done from a corrupt motive; nor without a deliberate opinion that the act was lawful and proper in itself.*" Mr. M'Kean then proceeds, in a circumstantial and irrefutable manner, separately to repel the charges of the committee; and triumphantly to vindicate his character, in every particular, from the aspersions with which it had been assailed. This replication comprehends a very learned and masterly disquisition upon many of the constitutional powers and duties of the executive, and upon repeated reference to it, it has been found to bear the cautious scrutiny of unimpassioned judgment, and to furnish a safe, a clear, and a useful guide in the elucidation of cases involving points similar to those which be professes to discuss.

Thus terminated a transaction, which, through the baleful and exterminating spirit of party, threatened to overshadow the closing career of a patriot, whose life had, during half a century, been devoted to the public service. As a party measure, the delay in its decision, the ex-parte report of the committee, and the small majority opposed to an impeachment, can afford no just rule of judgment, with regard to the merits of the case; because *inter factiones leges silent*. Those acquainted with the relative local politics, may gain some insight into the matter, from the fact, that while the whole delegation from the *city* of Philadelphia were opposed to the impeachment, all the members from the *county* supported it. And it was in proof before the house of representatives, that the chairman of the committee, who was a prominent and zealous witness, and the surety of William

Duane, threatened, in terms indicating animosity and passion, that "*he would pursue the governor to the grave.*"

Towards the close of the year 1803, he was strongly solicited to become a candidate for the office of vice-president of the United States. On the fourteenth of October, Alexander James Dallas, Esq. thus addressed him on the subject: "I have been requested, by several of our friends, to bear with me, (to Washington,) your sentiments as to the office of vice-president. Your name has been most honourably mentioned on the occasion. Pray write to me, in perfect confidence, and address your letter to the care of Mr. Gallatin, at Washington. Accustomed as I have been, for many years, to wish every thing that can promote your happiness, or reputation, it would give me pain to find that, in this instance, your disposition should lead you to the federal scene, as I do not believe there exists another man in Pennsylvania, to whom, at this period, the real interests of the state can be safely confided. But your choice will entirely govern my opinions and exertions." Mr. M'Kean declined this honour, both on public and private considerations.

Towards the close of the eighteenth century, the French revolution excited much interest in America. At its commencement, indeed, it was very universally and justly admired; and almost every friend of rational freedom rejoiced when the bastile was destroyed, at the approaching emancipation of the people. But when public order and equitable principles yielded to the bloody and lawless sway of demagogues and ruffians, nothing but irrelevant motives, and extraneous pursuits, could have made our citizens endure the unexampled profligacy, insolence, and barbarity, of the then ruling powers of France. Mr. M'Kean, naturally and conscientiously, imbibed strong prepossessions in favour of French liberty, in conjunction with the members of the party to which he was attached. Many years after his retirement from public life, an interesting correspondence on this subject, took place between him and the honourable John Adams, who had, from the outset, viewed the revolution in France with a prophetic eye. On the second of June, 1812, Mr. Adams thus opened the subject: "Nearly thirty-eight years ago, our friendship commenced. It has never been interrupted, to my knowledge, but by one event. Among all the gentlemen with whom I have acted and lived in the world, I know not any two, who have more uniformly agreed in sentiment upon political principles, forms of government, and national policy, than you and I have done, except upon one great subject; a most important and momentous one to be sure;—that subject was, the *French revolution.* This, at the first appearance of it, you thought "a minister of grace;" I fully believed it to be "a goblin damned." Hence, all the estrangement between us, that I know, or ever suspected. There is no reason that this should now keep us asunder, for I presume there can be little difference of opinion, at present, upon this subject. When Pultney accepted a peerage, some droll wit wrote

'Of all the patriot things that Pultney writ,
The earl of Bath confutes them every bit.'

We may now say,

Of all the glorious things French patriots writ,
The Emperor confutes them every bit."

In another communication, Mr. Adams remarked, that the most unaccountable phenomenon he ever beheld, during the seventy-seven years that he had lived, was to see men of the most extensive knowledge, and deepest reflection, entertain, for a moment, an opinion that a democratical republic could be erected in a nation of five and twenty millions of people, four and twenty millions and five hundred thousand of whom, could neither write nor read.

Mr. M'Kean, in reply, fully realized the expectations of his correspondent, as to the congeniality of their sentiments. In relation to their co-operation in public affairs, he remarks, "I declare, with pleasure, and also with pride, that I embraced the political sentiments of none, with more satisfaction, (being congenial with my own,) than your's; nor do I recollect a single question on which we differed. It is true, I was a friend to the revolution in France, from the assembly of the notables (1787) until the king was decapitated, (1794;) which I deemed not only a very atrocious, but an absurd act. After that, I remained in a kind of apathy, with regard to the leaders of the different parties; until I clearly perceived that *that* nation was *then* incapable of being ruled by a popular government: and when a *few*, and afterwards, an *individual*, assumed despotic sway over them, I thought them in a situation better than under the government of a mob; for I would prefer any kind of government to such a state;—even a tyranny to anarchy. On this subject, then, I do not conceive we differed widely. I do assure you, that I venerate our early friendship, and am happy in a continuance of it." Again: "I decidedly think with you that a democratic form of government in France, in the present age, was preposterous."

Mr. M'Kean, having served as governor during the constitutional period of nine years, retired, at the close of the year 1808, from the cares of a long life, faithfully, ably, and successfully devoted to the service of his country; and, for the remainder of his days, enjoyed, in the peaceful pursuits of science and literature, the consciousness of a well-earned and honourable fame. In a letter to Mr. Adams, dated in June, 1812, he remarks, "Three years ago I shook hands with the world, and we said farewell to each other: the toys and rattles of childhood would, in a few years more, be, probably, as suitable to me, as office, honour, or wealth; but (thank God,) the faculties of my mind are, as yet, little, if any thing impaired, and my affections and friendships remain unshaken. Since my exemption from official and professional duties, I have enjoyed a tranquillity, never (during a long, protracted life,) heretofore experienced; and my health and comforts are sufficient for a moderate man."

We ought not, however, to omit an incident which occurred after the date of the above letter, inasmuch as it exhibits a gratifying instance of the manifestation of public respect for a venerable sage, and displays the vigour of intellect, and the energy of patriotism, in a man of the age of eighty years, whose younger days had been, in trying times, devoted to his country. In the last war with Great Britain, the citizens of Philadelphia, considering themselves in a situation of perfect security, made no preparations for protection and defence, until, in the month of August, 1814, their slumbering feelings were aroused by the landing of a British army on our shores, and its near approach to the city of Washington. A number of the most influential citizens agreed at once to call a town-meeting, and on the morning of the twenty-sixth of August, a few hours before the account of the capture of Washington reached Philadelphia, a very large assemblage of citizens was convened in the state house square. Mr. M'Kean had been particularly desired to attend, and on his appearing once more among his countrymen, on a public occasion, he was greeted with profound respect and attention, and was unanimously called to take the chair. Never, since the revolutionary period, had a public meeting been held in Philadelphia on so momentous a business, and never, since the same period, had an occasion existed which demanded more promptness and decision of action. The enemy was already on our soil, and no man, whether among the boldest or the most cautious, had any reason to believe that Philadelphia would not, in a very few days, be the object of attack. The meeting, collected at the very place, where, in 1776, the declaration of independence had been proclaimed, proceeded to its business with great order. No noisy demagogues attempted to control its operations, or to create excitement by inflammatory harangues. The venerable chairman alone addressed it, and in a few brief sentences, delivered with the dignity and emphasis of his former days, touched the spirit that needed only to be awakened. The meeting, without waste of time, and without useless discussion, took the measures which the crisis demanded, and the city was in a short time placed in a condition to repel the attack of any force which the enemy could then bring against it. A journalist of the times made the following observations, in reference to this meeting:

"It will be remarked, that the proceedings of the town-meeting held yesterday, do not comprehend any very particular expression of sentiment on general principles. Let it not therefore be supposed that the meeting showed any indifference relative to the questions involving the destinies of the nation. There are no printed resolutions of devotion to country, because, as Governor M'Kean well said, 'this is not a time for speaking, but a time for acting;'—there are no declarations of oblivion of the past, because, as governor M'Kean also said, 'We have now nothing to do with the past, we must only think of the present and the future;' neither are there any resolutions to suppress party contentions, because, as governor M'Kean also told the meeting, 'there are now but two parties, our country and its invaders.'"

During the whole of his career, Mr. M'Kean was remarkable for the most unbending integrity of character. He possessed a qualification which has been justly noticed, as a distinguished trait in the character of Washington;—a determination to do what he thought best for the interest of the state, without regard to the clamour of ignorance or of discontent. Independent of the opinion which the narrow-minded, but self-sufficient, might please to adopt with regard to him, he was willing to be judged by the consequences of his actions, however remote those consequences might be.

The following letters embrace valuable and honourable testimonials, from men who participated with Mr. M'Kean in the trying scenes of the revolution, and who have since enjoyed the rare and distinguished honour of presiding over the government of their country.

Quincy, April 27th, 1824.

DEAR SIR,

I have received your kind letter of April 1st. and am very sorry that it will not be in my power to give you more detailed information. That your father was a steadfast patriot of the revolution, from its beginning to its end, is most certain. In the congress of New York, in 1765, though young, he was one of the most active and spirited members: in the congress of 1774, and in all the subsequent years, he was the same. * * * *

* * * * * * * *

His conduct as governor of Pennsylvania, is better known to you, and all your fellow-citizens, than to me: I believe he was conscientiously upright, and well-intentioned. His conduct as chief-justice of the state, for so many years, I have never heard denied, to have been upright and judicious; although his constant opposition to the federal government, but never violent, occasioned party reflections upon him, as party spirit is cast upon every man of both parties. His character ought always to maintain a conspicuous place in the history of his country, for the last fifty or sixty years.

* * * * * * *

Your friend,
And humble servant,
JOHN ADAMS.

P. S. Your father and Cæsar Rodney, were among the Patrick Henrys, the Christopher Gadsdens, the Thomas Jeffersons, the Samuel Adams's, the Roger Shermans,—the best tried and firmest pillars of the revolution.

THOMAS M'KEAN, ESQ.

Monticello, April 10th, 1824.

SIR,

I have duly received your favour of the first instant, and am happy to learn that we are likely to have a good biography of the late Judge M'Kean. Although we served together in revolutionary scenes, and after these, in others equally trying, yet length of time, and the wane of memory, have left me no recollections which would be worth noting. The general remembrance can never be obliterated, that he was among the soundest, firmest, and most zealous of the republicans, with whom it has been my fortune to act through life. * * * *

Accept the assurance of my great respect,

THOMAS JEFFERSON.

MR. THOMAS M'KEAN.

On the twenty-sixth of September, 1781, Mr. M'Kean received the diploma of doctor of laws, from the college of New Jersey. In the following year, he was invested with the same distinction by Dartmouth college, in New Hampshire, conveyed to him in a complimentary letter from the secretary of the institution, of which the following is an extract: "Impressed with an exalted opinion of those singular talents, which nature has allotted you; of those acquirements which you have gained by application; and of that patriotic virtue, which has remained inflexible through the storms of adversity, the honourable board of trustees of this university, request your acceptance of a feeble testimonial of your merit." On the second of May, 1785, he was elected a member of the Philadelphia society for the promotion of agriculture. On the thirty-first of October, following, he received the diploma of the society of Cincinnati, instituted by the officers of the American Army, at the period of its dissolution, as well as to commemorate the great event which gave independence to North America, as for the laudable purpose of inculcating the duty of laying down in peace, arms assumed for public defence, and of uniting in acts of brotherly affection, and bonds of perpetual friendship, the members constituting the same. He was also a trustee of the university of Pennsylvania, and, in 1790, one of the founders of the Hibernian society for the relief of immigrants from Ireland, of which he was a long time president.

In person, Mr, M'Kean was tall, erect, and well proportioned. His countenance displayed, in a remarkable manner, the firmness and intelligence for which he was distinguished. His manners were impressive and dignified. In the month of July, 1762, he married Mary, the eldest daughter of Joseph Borden, esquire, of Bordentown, New Jersey, who died in February, 1773, leaving two sons and four daughters; the youngest of whom was only two weeks old. On Thursday, the third of September, 1774, he was again united in marriage, by the reverend Joseph Montgomery, to Miss Sarah Armitage, of New Castle, in Delaware: five children were the offspring of this union.

At length, loaded with honours, this venerable patriot arrived at the *ultima linea rerum*, and departed to "the generation of his fathers," on the twenty-fourth of June, 1817, aged eighty-three years, two months, and sixteen days. His remains were interred in the burial ground of the first Presbyterian church, in Market street, Philadelphia.

Thomas M'Kean outlived all the enmities which an active and conspicuous part in public affairs had, in the nature of things, created; and posterity will continue to cherish his memory, as one among the most useful, and able, and virtuous fathers of a mighty republic:

Conscia mens recti, famæ mendacia ridet.

APPENDIX.

When the charge against Mr. Wilson first appeared, his son, the Rev. Bird Wilson, addressed letters to the right rev. bishop White, the honourable Richard Peters, and the honourable Bushrod Washington, soliciting their several opinions as to its validity, when the following answers were returned:

October 25th, 1822.

Rev. and Dear Sir,

I comply with the wish you expressed to me, of delivering to you, in this form, what I lately said to you in relation to the mention made of my friend, your deceased father, in "the Life of General Greene," lately published.

According to my recollection of the passage of the book, it states that your father was one of a party of influential gentlemen, who, at a certain period of the revolutionary war, contemplated the removing of the commander-in-chief, or, at least, the dividing of the command.

It is probable, that I was the first person in America, with whom your father formed any considerable degree of acquaintance. It began in the year 1766, and continued throughout his life: our intercourse being also promoted by his subsequent marriage to your mother, between whom, and my Mrs. White, there had been a still earlier friendship.

Not knowing from what materials the biographer drew his communication, I ought not to admit the supposition that he intended to defame, or to misrepresent; but I must be allowed to believe, that the alleged fact rests on grounds not tenable. For, that such should have been the state of your father's mind, and that, in our frequent and familiar intercourse, nothing tending to the point should have escaped from him; that no intimation of the sort should have come to me from our common friends; that there should have been, in this single matter, a disposition alien from the general bent of his character and opinions; and that he should afterwards have obtained proofs of the confidence of the great man whom he had designed to lessen in the public esteem; are what I think as improbable as almost any thing beyond the limits of my personal knowledge.

I remain
Yours affectionately,
Wm. White.

Rev. Bird Wilson, D.D.

Belmont, October 25th, 1822.

My dear sir,

I should have been much surprised on the receipt of your note in relation to the aspersion on your father's character, charging him with being a leading and influential member of the party in this state, concerned in a design to remove general Washington from the command of the army of the revolution, but that, previously, Judge Johnson's Biography of general Greene had been shown to me. If any such *party* existed in this state, it consisted of so small a number, that *as a party* I never heard of it. Some few discontented individuals there may have been.

I knew your late father, intimately, from the time of his arrival in this country; and had peculiar opportunities of knowing his sentiments on important subjects: I can most confidently declare, that he was uniformly attached to general Washington, and the general was conscious of it. Of all the charges his political foes brought forward, that of his being a hypocrite was not one. He must have been a most egregious deceiver, if he concealed from me his concern in the abortive attempt to remove general Washington, as you have stated. No person had better opportunities than I had, of knowing the circumstances of the revolution. I never heard it surmised that your father was in any way connected with the persons, either of this, or any other state, who disgraced themselves in that business. The great object was to introduce the compte Malbois; and Silas Deane was the instrument. The compte would not risk his military reputation, but on terms which could not be complied with. I could relate many circumstances on this subject, *sed de mortuis nil nisi bonum.*

I was well acquainted with both general Gates and general Lee. They were not among the friends, or particular acquaintances, of your father.

Judge Johnson, (for whom I have a great respect,) must have been misinformed; which I much regret. Your father's attachment to the principles and policy of general Washington, were well known. And this attachment was the ground-work of many calumnies. Strange, then, that he should be charged, at this time of day, of being the enemy of the great and good character, of whom he was the warm, and I am satisfied, the sincere admirer.

Yours very sincerely,

REV. BIRD WILSON. RICHARD PETERS.

Philadelphia, October, 26th, 1822.

REV. AND DEAR SIR,

In answer to your letter, I beg leave to assure you that neither from the papers of general Washington, nor from any conversations with him during his life, had I cause to suspect that he considered your father as having been unfriendly to him, at any period during the revolutionary war, or afterwards.

When my father sent me to Philadelphia in the winter of 81-2, with a view to the study of the law, the general happened to be in this city, and kindly undertook to superintend the necessary arrangements for my establishment. Although your father required from his students, a much higher fee than was usually paid to the other gentlemen of the bar, the general unhesitatingly overruled the intention I expressed to him of entering some other office on account of that difference, by arguments strongly indicating the high opinion he entertained of your father. I may add, further, that during the two or three years I remained in your father's office, I never heard a suggestion from any person that he was otherwise than a sincere friend to the general, and this has always been my own opinion.

I am very respectfully and sincerely,
Dear and Rev. Sir,
Your most obedient servant,

THE REV. BIRD WILSON. BUSH. WASHINGTON.

Armed with these conclusive documents, the Rev. Mr. Wilson opened a correspondence with judge Johnson, on the subject of the accusation contained in his work, which terminated in the recantation of the charge, as arising from misinformation, and the insertion of the annexed advertisement in such copies of the "Life of General Greene," as still remained in the hands of the publisher.

ADVERTISEMENT.

Having recently ascertained, from the evidence of several highly respectable characters, that I have been led into an error in naming Mr. Wilson of Pennsylvania, as one of the cabal opposed to general Washington, in Justice to his memory and my own feelings, I acknowledge the error, and express my extreme regret at having committed it.

THE AUTHOR.

END OF VOL VI.